

PB# 95-27

**M. C. & B. PARTNERSHIP
(AMENDED)**

69-2-1, 2, 12

25.50

Approved 9/5/96

Wilson Jones • Carbonless • 51652-4WCL Duplicate • 51644 W.C. Imprints
 Town of New Windsor, N.Y. 12553
 555 Union Ave.
 New Windsor, N.Y. 12553
 MADE IN U.S.A.
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DATE September 25, 1995 RECEIPT NUMBER 95-27
 RECEIVED FROM Shaw Engineering
 Address P.O. Box 2569 - Newburgh, N.Y. 12550
Seven Hundred Fifty 00/100 DOLLARS \$750.00
 FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750 -	CASH	
AMOUNT PAID	750 -	CHECK #	7888
BALANCE DUE	-0 -	MONEY ORDER	

BY [Signature] 9/25/95
Theresa Mason, Secy to the

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12550

GENERAL RECEIPT

Received of Shaw Engineering \$ 100.00
One Hundred 00/100 DOLLARS
 For Planning Board # 95-27

DISTRIBUTION

FUND	CODE	AMOUNT
Ch # 7893		100.00

By Dorothy H. Hanson
Town Clerk
 Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12553

General Receipt

Received from MCB Partnership \$ 100.00
One Hundred 00/100 DOLLARS
 For P.B. # 95-27

DISTRIBUTION:

FUND	CODE	AMOUNT
Ch # 1216		100.00

By Dorothy H. Hanson
Town Clerk
 TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

15751
Sept. 25 1995

Received of Shaw Engineering \$ 100.00
One Hundred 00/100 DOLLARS

For Planning Board # 95-27

DISTRIBUTION

FUND	CODE	AMOUNT
Ch. # 7893		100.00

By Dorothy H. Hanson
Town Clerk
Title

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

15751
Sept 5 1995

Received from MCB Partnership \$ 100.00
One Hundred 00/100 DOLLARS

For P.B. # 95-27

DISTRIBUTION:

FUND	CODE	AMOUNT
Ch. # 1216		100.00

By Dorothy H. Hanson
Town Clerk
TITLE

9/2/96
Eng for
\$75.50

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/05/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 95-27

NAME: M.C. & B PARTNERSHIP - SHOPPING PLAZA
APPLICANT: M.C. & B. PARTNERSHIP

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/25/95	REC. CK. #7888	PAID		750.00	
09/27/95	P.B. ATTY. FEE	CHG	35.00		
09/27/95	P.B. MINUTES	CHG	49.50		
11/08/95	P.B. ATTY. FEE	CHG	35.00		
11/08/95	P.B. MINUTES	CHG	103.50		
09/02/96	P.B. ENGINEER FEE	CHG	75.50		
09/02/96	RETURN TO APPLICANT	CHG	451.50		
		TOTAL:	750.00	750.00	0.00

*Please issue a check in
the amount of \$451.50 to:*

*M.C. & B Partnership
208 Meadow Ave.
Scranton, P.A. 18505*



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF NEW WINDSOR P/B # _____ - _____

WORK SESSION DATE: 20 SEPT '95 APPLICANT RESUB.
REQUIRED: Not Now

REAPPEARANCE AT W/S REQUESTED: Not Now

PROJECT NAME: MCB S/P Am

PROJECT STATUS: NEW X OLD _____

REPRESENTATIVE PRESENT: Greg/John?

MUNIC REPS PRESENT: BLDG INSP. X
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- One way - do not enter X2
- one way X2 @ curb cut
- add s/p @ end of 9 spaces

next mtg 9/27 for review

4MJE91 pbwsform

RESULTS OF P.B. MEETING

DATE: November 8, 1995

PROJECT NAME: M.C. & B. S.P. PROJECT NUMBER 95-27

LEAD AGENCY:

* NEGATIVE DEC:

M) V S) D VOTE: A 4 N 0

* M) V S) D VOTE: A 4 N 0

CARRIED: YES ✓ NO

* CARRIED: YES: ✓ NO

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES Closed NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S S) V VOTE: A 4 N 0 APPR. CONDITIONALLY: 11-8-95

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Meeting to be held { D.O.T. / Rosenman / Applicant to try & come to an agreement on cross access to properties

RESULTS OF P.B. MEETING

DATE: September 27, 1995

PROJECT NAME: M.C. B. Partnership PROJECT NUMBER 95-27

LEAD AGENCY:

* NEGATIVE DEC:

M) D S) VOTE: A N

* M) S) VOTE: A N

CARRIED: YES NO

* CARRIED: YES: NO

PUBLIC HEARING: M) V S) L VOTE: A 0 N 5

WAIVED: YES NO ✓

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Need sketch to show what the outside of
the building will look like.
Submit to D.O.T. for L.A.
Set P.H.



MEMO

To: New Windsor Planning Board

From: Town Fire Inspector

Subject: M.C. & B. Partnership

Date: 9 July 1997

Planning Board Reference Number: PB-95-27

After reviewing Title 9 Executive (B) New York Code of Rules and Regulations (NYCRR), also known as the New York Uniform Fire Prevention and Building Code, Part 1161, it is my opinion that the entrance drive from Windsor Highway can be considered a fire lane.

The Code states the following:

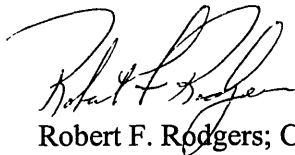
Part 1161.2 Accessibility.

- (A) Premises which are not readily accessible from public roads, and which the fire department or an emergency service may be called upon to protect in case of fire or other emergency, shall be provided with access roads or fire lanes so that all buildings on the premises are accessible to the fire department and emergency service apparatus.
- (B) Access roads and fire lanes shall be adequately maintained and kept free and clear of obstructions at all times.
- © The designation and maintenance of fire lanes on private property shall be established as specified by the code enforcement official.
- (D) It shall be a violation of this part to park motor vehicles on, or otherwise obstruct any fire lane or emergency access road.

In keeping with the above, the following is established as a fire lane on the M,C & B Partnership property.

That southern portion of the property adjacent to the former Cavallo's Restaurant, the width of the curb cut leading from Windsor Highway (NYS Rte. 32) to the parking lot area of Jiffy Lube. Sign stating No Parking, Stopping, Standing, Fire Lane shall be posted every 35 feet along the fire lane. Eight (8) feet out from the southern most property line shall be cross hatched the length of the fire lane.

Should you have any questions, please feel free to call me at 563-4638.

A handwritten signature in black ink, appearing to read "Robert F. Rodgers".

Robert F. Rodgers; C.C.A.
Fire Inspector

RFR/dh



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

24 June 1997

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

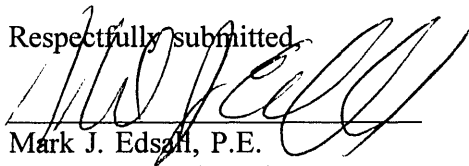
FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: MC&B SITE PLAN
FIELD REVIEW - COMPLETION STATUS - 6/24/97
NEW WINDSOR PLANNING BOARD NO. 94-9

This memorandum will confirm our field review on the referenced date of the MC&B site. The following observations were made:

1. The owner has installed additional landscaping improvements, including flowering plants, with the intent to "dress up" the area. In addition, additional landscaping ground cover was installed to improve the appearance.
2. While on site we spoke with John Connell, who advised us that he has two additional landscaping items which will be completed by his landscaper. These include some additional work in the area of Cavallos and a large planting area in the triangular lawn area near Route 300. Both work items have been authorized to his landscaper and he is currently awaiting the installation.
3. Regarding the fire lane signs along the Rosemarino building, we contacted Bob Rodgers who was waiting for a copy of the site plan prepared by Shaw, such that he could meet with the Fire Prevention Bureau. I arranged for a copy of the plan to be submitted to him by Myra and once the Fire Prevention Bureau makes a decision, we can advise John Connell what type signs will be required.

Respectfully submitted,


Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:6-24-E.mk



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

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507 Broad Street
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(717) 296-2765

18 August 1997

MCB Partnership
208 Meadow Avenue
Scranton, PA 18505

ATTENTION: MR. JOHN CONNELL

SUBJECT: SITE PLAN - ROUTE 32 AND 300
TOWN OF NEW WINDSOR, NEW YORK
NW PB. NO.

Dear Mr. Connell:

On the afternoon of 15 August 1997, the undersigned and Town Building Inspector Michael Babcock performed a follow-up review at the subject site, to determine the status of the key site improvements at the project. It should be noted that our review was performed with the understanding that the project is being constructed as a phased project, with retail building # 2 not yet constructed.

With retail building #1 and the Jiffy Lube completed, related key site improvements should also be complete at this time. During our field review on Friday, we identified certain items which are incomplete, and require your further attention. Please note the following:

1. The triangular grassed and landscaped area adjacent to Hess has received some landscaping, but same is inadequate in "mass". It should be noted that the approved plan included six (6) Douglas Fir plantings (6'-7' height). The ornamental trees which have been planted to date are not an acceptable equivalent for mass/size. As such, the plantings made to date must be supplemented.
2. Additional light fixtures must be installed. A L3 light pole is required on the east side of Jiffy Lube and a L2 light pole is required on the west side of Block Buster Video, along Route 300 (both as shown on the approved site Plan).

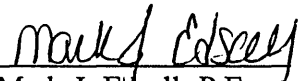
3. The fire lane signs must be installed near Cavallo's along the Rosemarino property.

The Town of New Windsor has been very flexible in allowing your completion of the site improvements over the past months. We believe any further delay in the completion of this site is unreasonable. As such, we will expect that the work noted above will be properly completed within fourteen (14) days of this writing or it will become necessary to take other action to cause its immediate completion. These other actions are undesirable and we would anticipate your immediate action to avoid such enforcement action.

Please contact the undersigned should you have any questions regarding the above.

Very truly yours,

**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.**


Mark J. Edsall, P.E.
Planning Board Engineer

MJesh

cc: Supervisor George J. Meyers
Michael Babcock, Town Building Inspector
James Petro, Planning Board Chairman

a:mcb.sh



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.

WILLIAM J. HAUSER, P.E.

MARK J. EDSALL, P.E.

JAMES M. FARR, P.E.

27 May 1997

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MEMORANDUM

TO: Michael Babcock, Town Building Inspector

FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: MC&B SITE PLAN
DISCUSSION WITH JOHN CONNEL - 5/22/97

Pursuant to my telephone call to MC&B Partnership and the re-issuance of my letter dated 9 April 1997, on the morning of 22 May 1997 I received a telephone call from John Connel of MC&B Partnership. We discussed the outstanding items for completion of the site. Please note the following:

1. John contacted his landscaper and will be directing him to proceed with completing the site landscaping in general conformance with the intent of the improved site plan. He may add some additional plantings to "accent" that area of the site. I indicated that we would be willing to discuss same in the field with his representatives. Regarding the scheduling for the landscaping, he is to get back to me, although I indicated that we anticipated the work would start in approximately one (1) week.
2. Regarding the signs along the Rosemarino building, initially these were anticipated to be "No Parking" signs. After further discussion with Fire Inspector Bob Rogers, we agreed that "Fire Lane - No Parking, Stopping or Standing" signs would be more appropriate. I have so advised John Connel and noted that a minimum of three (3) signs are necessary, and the spacing cannot exceed 30' (if so a fourth sign would be required). John agreed with same and indicated that he had spoken with Mrs. Rosemarino and she had also agreed. John indicates that he may also provided appropriate pavement markings for the fire lane.
3. With regard to the parking spaces along the side of the Cavallos' building, I advised John that the size of the spaces can be between 9 and 10' width, with whatever number of parking spaces would fit.

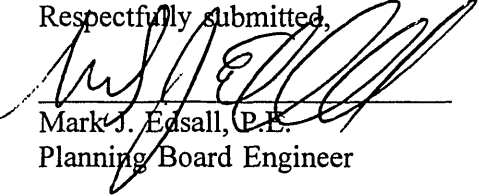
27 May 1997

MEMORANDUM
PAGE 2

4. I advised John that he should complete the overall list of outstanding items, as previously brought to his attention.

I will continue to monitor this situation and discuss same with you, as the work progresses.

Respectfully submitted,



Mark J. Easall, P.E.
Planning Board Engineer

MJEmk

cc: George J. Meyers, Town Supervisor
James Petro, Planning Board Chairman

A:5-27-2E.mk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/05/96

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 95-27

NAME: M.C. & B PARTNERSHIP - SHOPPING PLAZA
APPLICANT: M.C. & B. PARTNERSHIP

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
09/05/96	PLANS STAMPED	APPROVED
01/24/96	DISCUSSION AT P.B. MEETING	SUBMIT ONE REV PLAN
	. SUBMIT ONE REVISED PLAN FOR FILE AND STAMPING	
11/08/95	P.B. APPEARANCE - PUB. HEARING	LA:ND APPROVED CONDI
	. D.O.T./ROSEMARINO/APPLICANT/T. NEW WINDSOR TO HAVE MEETING	
	. TO COME TO AN AGREEMENT WITH ENTRANCE TO ROSEMARINO PROPERTY	
	. NEED COST ESTIMATE SUBMITTED	
09/27/95	P.B. APPEARANCE	SET P.H. DATE
	. NEED SKETCH TO SHOW WHAT OUTSIDE OF BLDG WILL LOOK LIKE	
	. SUBMIT TO D.O.T. FOR LEAD AGENCY COORDINATION	
09/20/95	WORKSHOP APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/08/95

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 95-27

NAME: M.C. & B PARTNERSHIP - SHOPPING PLAZA
APPLICANT: M.C. & B. PARTNERSHIP

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	09/25/95	MUNICIPAL HIGHWAY	/ /	
ORIG	09/25/95	MUNICIPAL WATER	09/26/95	APPROVED
ORIG	09/25/95	MUNICIPAL SEWER	/ /	
ORIG	09/25/95	MUNICIPAL FIRE	09/28/95	APPROVED
ORIG	09/25/95		/ /	
ORIG	09/25/95		/ /	

9/2/96

SITE PLAN FEES - TOWN OF NEW WINDSOR
(INCLUDING SPECIAL PERMIT)

APPLICATION FEE:.....\$ 100.00

* * * * *

ESCROW:

SITE PLANS (\$750.00 - \$2,000.00).....\$

MULTI-FAMILY SITE PLANS:

 UNITS @ \$100.00 PER UNIT (UP TO 40 UNITS).....\$

 UNITS @ \$25.00 PER UNIT (AFTER 40 UNITS).....\$

TOTAL ESCROW PAID:.....\$

* * * * *

PLAN REVIEW FEE: (EXCEPT MULTI-FAMILY) \$ 100.00 (1)

PLAN REVIEW FEE (MULTI-FAMILY): A. ~~\$100.00~~
PLUS \$25.00/UNIT B.

TOTAL OF A & B: \$ ~~100.00~~

RECREATION FEE: (MULTI-FAMILY)

\$500.00 PER UNIT

 @ \$500.00 EA. EQUALS: \$

NUMBER OF UNITS

SITE IMPROVEMENT COST ESTIMATE: \$

2% OF COST ESTIMATE \$ EQUALS \$

TOTAL ESCROW PAID:.....\$ 750.00

TO BE DEDUCTED FROM ESCROW: 298.50

RETURN TO APPLICANT: \$ 451.50

ADDITIONAL DUE: \$ X

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/03/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 95-27

NAME: M.C. & B PARTNERSHIP - SHOPPING PLAZA

APPLICANT: M.C. & B. PARTNERSHIP

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	-AMT-PAID	---BAL-DUE
09/25/95	REC. CK. #7888	PAID		750.00	
09/27/95	P.B. ATTY. FEE	CHG	35.00		
09/27/95	P.B. MINUTES	CHG	49.50		
11/08/95	P.B. ATTY. FEE	CHG	35.00		
11/08/95	P.B. MINUTES	CHG	103.50		
09/02/96	P.B. ENGINEER FEE	CHG	75.50		
		TOTAL:	298.50	750.00	-451.50



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
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17 May 1996

New York State Department
of Transportation
112 Dickson Street
Newburgh, New York 12550

ATTENTION: DONALD GREENE, PERMIT ENGINEER

SUBJECT: M.C. & B. PARTNERSHIP SITE PLAN
NEW WINDSOR PLANNING BOARD NO. 94-9/95-27

Dear Don:

This letter is written to confirm our recent telephone conversation on 16 May 1996, at which time we discussed the subject application. As you recall, the original approval for the M.C. & B. Partnership site plan required certain improvements to the curb-cut access to NYS Route 32. Pursuant to the conditional site plan approval granted on 28 September 1994 (Application 94-9), a meeting was held at Town Hall on 16 November 1995, at which time you were present to participate in a discussion regarding a modification to the access to Route 32 to address concerns of the adjoining property owner. Subsequent to this meeting, M.C. & B. Partnership made application to the Town for an Amendment (Application 95-27) to eliminate the improvements for the access to Route 32, such that that existing curb-cut can continue to be utilized for both the MCB site, as well as the adjoining Angelo Rosemarino site. The Planning Board accepted this change at their 24 January 1996 Planning Board meeting, requesting that I contact your Department to advise you of this change and confirm that the elimination of these improvements would also eliminate the need for DOT approval, as well as a DOT Permit. Based on our phone conversation on 16 May 1996, this is our understanding; I will convey this status to the Board.

On behalf of the Planning Board I wish to indicate our appreciation for your continued assistance regarding this matter and all other Planning Board matters.

Very truly yours,

**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.**

A handwritten signature in dark ink, appearing to read 'Mark J. Edsall', is written over a horizontal line.

Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk

cc: James R. Petro, Planning Board Chairman
A:GREENE.mk

M.C. & B. PARTNERSHIP AMENDED SITE PLAN (95-27) RT. 300
& RT. 32

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: I guess I'm here at your request. My client received a letter from the secretary to the planning board wanting to close out this application which was last before this board maybe three, four months ago. We did get conditional final approval but that condition being a meeting was to take place between New York State DOT, my client and the next door neighbor Angelo Marino Enterprises. That meeting was held in the supervisor's office and it was a positive meeting and while no decision was made at that point in time, I believe over the subsequent months, my client after evaluating his options, has elected to work out an arrangement with their neighbors so that the existing entranceway on Route 32 remains as it physically exists, they'd put some type of an island in this area which traffic as it would pull in would either continue on, park and into Cavallo's or bear to the left behind the pizzeria which it presently does. Well, I don't know when you say presently does, it did in the past, all right, so that is really why we're here. One other item as a followup to that in talking to Don Green and again, Jim, you were at the meeting, he said that the present curb cuts could remain as they presently exist without any improvement. The only thing that he would need is a letter from this planning board stating that no improvements are required at this time. So again, that is just what my clients are looking from this board because obviously, there's construction involved, if those entrances do not have to be removed and improved.

MR. PETRO: The curb cuts that are shown on this plan are the new ones or existing ones?

MR. SHAW: On this particular plan, this is an existing curb cut which this board approved in this location scheduled to remain. This curb cut here, all right, is a new curb cut which I prepared before I came into my meeting three, four months ago and this is now no

longer applicable cause it reflects improvements, all right, and the arrangement was that no improvements be constructed to allow Angelo Rose Marino to access their property.

MR. PETRO: At this point, this plan doesn't reflect the actual curb cut on 32 the way it is going to look so.

MR. SHAW: Correct.

MR. PETRO: Should we have a revised plan to show the improvements as they are going to look? Mark, do you want to pick up on that?

MR. LANDER: Let's put it this way, what is it going to look like?

MR. SHAW: What it is now?

MR. EDSALL: You have some interior modifications that are part of that the redesign as well.

MR. SHAW: Yeah, minor but yes, there will be some, basically we have to create a vehicle to allow traffic once it gets into the site to go left or right.

MR. PETRO: Do you not want to again generate a plan to show that as it is going to be so we can have it in the file?

MR. EDSALL: I think it's extremely problematic not to have a plan stamped by the board that reflects what you approved. So my suggestion as far as a site plan that shows the improvements, I think that is something that the board in the past has always asked for even as far as with Ira Conklin asking for an as-built that showed the as-built elevations, you know, grade elevations.

MR. PETRO: We can go with a simplified.

MR. EDSALL: Question becomes Greg had a very large set of drawings as far as additional sheets that showed landscaping, lighting, so on, I think one of the questions that I asked Myra and to talk to Greg about

and I talked to Jim Millett about is do all the drawings have to be revised? And I don't know that it is necessary if we're modifying landscaping and lighting, that area of the site, if it is necessary to modify those plans, if the board members are comfortable with Mike and I in the field reviews just making adjustments out there.

MR. PETRO: Why can't we modify only what's being affected and not everything else?

MR. EDSALL: As far as landscaping, lighting and all of it cause he had how many sheets were in the set, Greg?

MR. SHAW: Seven or eight.

MR. EDSALL: How many were detail sheets?

MR. SHAW: Probably about four of them have to be changed, grading plan, utility plan, there is a lighting, landscaping plan.

MR. EDSALL: So you are basically looking, does the board want to have a single review sheet that shows the new curbing layout that Angelo Rose Marino, Don Green and all of us agreed to as far as a functional entrance or do you want to have all four sheets updated?

MR. PETRO: One thing I want to remind the board members is that a lot of what we're doing here has come as a request of this board upon the applicant. We requested him to accommodate the neighbor or to look into it to do maybe whatever it was, it came from this board. It's at our request. To put him through great expense to further expense where he's trying to accommodate us I think is not fair.

MR. EDSALL: And I think that is part of reason why when I talked to Myra I felt it be important that this be on the agenda because I agree with you but I do believe we should have one sheet that shows the layout and have it stamped.

MR. PETRO: Can't you do a fast sketch of the layout?

MR. SHAW: Let me ask you a question. If I were to just take this entrance, erase the drive as it was proposed and it's no longer valid and just create some type of an area here with traffic to be diverted left and right and resubmit this one sheet?

MR. EDSALL: Add a note that indicates what occurred as far as that being a modification for that area of the site only and everything on the previous set of drawings remain in effect that I think would work and we'll deal with the other issues out in the field.

MR. SHAW: Just so I don't mislead the board. The changes that were made are in the immediate area of Cavallo's restaurant plus I reduce the building in this area to accommodate the square footage here so those are the only two areas that were affected around Cavallo's Restaurant and the reduction of the building.

MR. PETRO: Reducing the building to us, Mike and I talked about this a number of times, if you want to reduce it in half, it betters the site plan, you have more parking, more everything for the site. I don't think that is a concern. I think the layout--

MR. EDSALL: I think we should have the one record sheet and I don't think we should put the burden and cost on the applicant to revise everything else.

MR. LANDER: Absolutely. Mr. Shaw, you do have this all worked out already?

MR. SHAW: Not personally, I have Mr. Connell.

MR. CONNELL: We have talked with Don Green and they'd like us to, when we get a bid for the pave, they'd like the same paver to do their lot and they are willing to pay for their portion of the work.

MR. PETRO: As far as DOT, we have talked to DOT. I was present, at that point. They are not affected at all. He doesn't, all he wants is a letter from us which we have to generate with Myra, Mike or Mark, letter to Don Green that we have no objection to the way it is, other than that the DOT is not involved.

MR. EDSALL: I think what the letter that Greg referred to would be a letter indicating that the approval from this board does not require improvements for the entrances so that means he doesn't need a permit.

MR. PETRO: You'll take care of that letter?

MR. EDSALL: Yeah, I'll work with Myra on that.

MR. SHAW: So Mark just so I understand you correctly we're talking about going into this area, modifying this plan to reflect that which we want, submitting this one drawing to the board and the board if you find it technically acceptable, then the board will stamp the plan, generate the letter and we're finished.

MR. EDSALL: That is it.

MR. PETRO: I think what I want to submit it to Mark, let him review it, stamp the plan, I don't think you need to come back to the board.

MR. SHAW: No, I don't think we should come back to the board.

MR. PETRO: Acceptable with everybody? Thank you.

MR. SHAW: Okay.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

23 July 1996

M.C. & B. Partnership
208 Meadow Avenue
Scranton, Pennsylvania 18505

ATTENTION: MR. JIM MILLETT

SUBJECT: M.C. & B. PARTNERSHIP SITE PLAN - T/NEW WINDSOR, NY
STATUS OF SITE IMPROVEMENTS COMPLETION

Dear Mr. Millett:

As you are aware, the Town of New Windsor Planning Board considered applications from your partnership for approval of a site plan located at Routes 300 and 32 within the Town. These applications subsequently received approval from the Planning Board and, as such, your group was authorized to proceed with the timely completion of the building and site improvements.

As we discussed during a recent telephone conversation, Town officials have brought to my attention their concern with regard to progress on completion of the key site improvements. Of specific concern is the completion of the work immediately off Route 32, including the accessway to the project and improvements surrounding the Cavallo's Restaurant, which is now to remain, as per your Application 95-7 approved by the Planning Board.

During our recent telecon, we agreed that it would be beneficial to proceed with the completion of the curbing work from the existing parking lot to Route 32, as well as the completion of the area's paving, with the exception of the top (finish) course. In addition, Town officials are also interested in your "dressing up" of the Cavallo's Restaurant area via completion of the sidewalks, landscaping, lighting, etc., for this area.

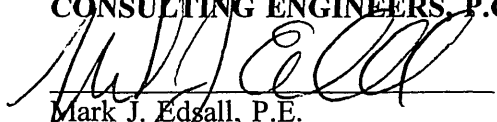
23 July 1996

Inasmuch as this is not progressing in a vigorous fashion, I have been requested to bring this concern to your attention and request your submittal of a schedule for the completion of the site improvements. Please forward this schedule as soon as possible.

If you have any questions concerning the above, please do not hesitate to contact the undersigned.

Very truly yours,

**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.**

A handwritten signature in dark ink, appearing to read 'Mark J. Edsall', is written over a horizontal line.

Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

cc: George J. Meyers, Town Supervisor
James R. Petro, Planning Board Chairman

A:MILLETT.mk



REAL PROPERTY TAX SERVICE AGENCY

Gary A. Bennett Sr. CCD
Director

124 Main Street
Goshen, New York 10924
(914) 294-5151, EXT. 1445

Joseph G. Rampe
County Executive

REQUEST FOR COMBINATION

DATE: 3/29/96

TOWN/VILLAGE/CITY

New Windsor

SCHOOL DISTRICT

Newb.

	<u>S,B,L</u>
1.	<u>69-2-1</u>
2.	<u>69-2-2</u>
3.	<u>69-2-12</u>
4.	<u> </u>
5.	<u> </u>
6.	<u> </u>

For Tax Map Department use	
DEED	OWNER

A REQUEST IS MADE TO COMBINE THE ABOVE NAMED SECTION,
BLOCK AND LOTS INTO ONE PARCEL FOR TAX PURPOSES.

ISSUE NEW OR DECIMAL OFF SEC. 69 BLK. 2 LT. 12.1

ALL THE DUE TAXES ARE PAID
ON THESE PARCELS AND THEY ARE ALL IN THE SAME SCHOOL DISTRICT.

ASSESSOR'S SIGNATURE
AUTHORIZING AND CONFIRMING
ABOVE

S. Cook

OWNER'S SIGNATURE

James P. Mulla MCB Partnership

CERTIFICATE

TO: ORANGE COUNTY CLERK

The office of the Orange County Commissioner of Finance, by Mary Ann Hesse, Real Property Tax Supervisor, on behalf of the Orange County Commissioner of Finance, the official having custody and charge of the records and files in the aforesaid office pertaining to taxes, tax sales and unredeemed tax sales, does hereby certify that an examination and search of said records and files was conducted in accordance with the provisions of Section 334 of the Real Property Law of the State of New York and such investigation reveals no unpaid taxes against or unredeemed tax sales in the name of:

ASSESSED TO: MCB Partnership

TOWN OF: New Windsor

TAX MAP DESIGNATION 69 2 1 & 2 & 12
SECTION BLOCK LOT

DATED: GOSHEN, NEW YORK
THIS 29th DAY OF
March , 1996

THE COMMISSIONER OF FINANCE OF THE
COUNTY OF ORANGE, NEW YORK

BY: Mary Ann Hesse
MARY ANN HESSE
REAL PROPERTY TAX SUPERVISOR

FURTHER CERTIFICATES REQUIRED:

----- NONE
X----- TOWN OF New Windsor (1996CT)
X----- SCHOOL DISTRICT Newburgh CSD (95-96 CS)
----- VILLAGE -----



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

REVIEW NAME: M. C. & B. SITE PLAN AMENDMENT
PROJECT LOCATION: NYS ROUTES 300 AND 32
SECTION 69-BLOCK 2-LOTS 1, 2 AND 12
PROJECT NUMBER: 95-27
DATE: 8 NOVEMBER 1995
DESCRIPTION: THE APPLICATION INVOLVES A PROPOSED REVISION TO
THE PREVIOUSLY APPROVED M.C. & B. PARTNERSHIP
SITE PLAN. THIS AMENDMENT WAS PREVIOUSLY
DISCUSSED AT THE 27 SEPTEMBER 1995 PLANNING
BOARD MEETING.

1. To my understanding, the amendment involves a proposal to maintain the existing Cavallo's restaurant, as well as revisions to the access and parking in that area. As part of this item, I understand that 1,800 square foot of retail space in Building No. 2 is proposed to be eliminated, with associated layout revisions occurring near that building.

As previously noted, from a technical standpoint, my main concern is relative to the revised access lane off Route 32. I previously recommended that this plan be referred to the NYSDOT; have we received a response from that Department regarding this proposed change?

2. On 5 October 1995 a Lead Agency Coordination Letter was circulated with regard to this amendment. The status of any responses received should be discussed with the Planning Board Secretary.
3. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,

Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:MCB2.mk

M.C. & B. PARTNERSHP SITE PLAN - (95-27) RT. 300 & RT.
32

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: I'm here tonight representing M.C. & B. Partnership with respect to their property on Route 300 and Route 32 in the Vails Gate area. If I can just bring you back in time in the early part of 1995, this planning board approved a site plan and a special permit for this subject property. Proposed for the site we have three structures, one is designated as retail building number one, the second building designated as retail building number two and the structure designated as Jiffy Lube. Having the approvals in hand, including permits from the New York State Department of Transportation, construction was commenced on this site. Presently on the site is the Jiffy Lube structure, which is doing business and also retail building number one which is occupied by Blockbuster Video. What's not installed as of this point in time is retail building number two. We'll get to that in a second. At the time of the approval, there was a long structure which ran from Route 32 into the property, it contained Cavallo's Restaurant, it contained Red House Chinese Restaurant and some storage space. This planning board set some conditions with respect to that building, that being that the portion of the structure up to the Cavallo's Restaurant had to be torn down by a certain date and with the--

MR. VAN LEEUWEN: October 31, how come it's not down?

MR. SHAW: Don't interrupt me, please. And with the lease expiring in October of this year, I believe the board set a condition for the remaining structure that being Cavallo's Restaurant being taken down by about the first of the year, that plan was approved and that is the plan of record at this point in time. Following that approval, a proposal was made before this board probably about 6 weeks ago to modify the approved site plan and with that, we came in with an amended plan amended application, new fees, et cetera to discuss the keeping of the Cavallo's Restaurant, what we proposed

at that point in time and that is the sketch before you and the discussion which is on display is the restaurant which is designated as existing restaurant to remain and with that, because we had to add additional square footage of the building space to the site, we trimmed down the southerly position of retail building number two. So now, that the requirement with respect to parking we're required to provide 130 spaces, we're now providing 133. So we had to reduce the size of that building in order to accommodate Cavallo's Restaurant. The continuance of Cavallo's Restaurant to remain. If you look at the drawing before you, you'll notice that we're now proposing a 15 foot wide one way access off of Route 32, we're providing 18 parking spaces immediately north of the Cavallo's Restaurant structure and those parking spaces would be used primarily for that restaurant. We're estimating the restaurant to be I believe 50 seats at this point in time and those parking spaces represent those number of seats required to satisfy that condition. This board set up a public hearing, set up this public hearing to discuss this proposal to present it to the public and to review this application in detail but I have also brought with me tonight a rendering that was done by an architect of the Cavallo's Restaurant structure.

MR. PETRO: Turn it so the board can see it and then we'll put it back to the public later.

MR. SHAW: At the last meeting, the board expressed a very strong concern that they wanted the exterior of Cavallo's Restaurant upgraded so this is a sketch, Route 32 would be around this corner, this face would be the face as you pull into the aisleway and look and the rear of the building which faces into the interior of the shopping center would be that elevation.

MR. DUBALDI: So actually, cars aren't going to be parked right in the front, you just put the cars there?

MR. SHAW: Correct. If you look at this sketch, we only have enough room to bring in a drive in front of Cavallo's with the parking in this area. So with that, Mr. Chairman, that is kind of an overview of where we

have been and where we're going. Again, recognizing that, you know, what the board's intent was and in the early part of 1995, may change with the presentation of this sketch and with this elevation. With that, I turn it back over to you.

MR. PETRO: Mark, did you receive, Greg, have you received anything from New York State DOT because we have nothing in the file.

MR. EDSALL: I have not.

MR. SHAW: I don't think you, I shouldn't say I don't think you will, what we have presently right now is a permit to change the entrance on Route 32 to that which this board approved in early 1995. We will not submit any paperwork to amend that permit to reflect this new entrance until the board feels comfortable that the restaurant can stay and the other aspects of the site improvements are approved.

MR. PETRO: You're telling us that you need an approval from us first and then we're going to be subject to you receiving a curb cut approval from the state?

MR. SHAW: I would think so because we do have curb cut approval for two way traffic off 32, if we're going to reduce it down to one-way traffic, the DOT would be happy to amend the permit because we do have one in hand for the work that was approved.

MR. VAN LEEUWEN: Curb cut already there, they put it in a couple years ago when they re-did the 32 stretch.

MR. SHAW: Correct, in any case, that is going to have to be removed and replaced with a new curb cut, just a question of whether it is according to the March plan or the October plan.

MR. PETRO: Point I am making, we'd still be giving an approval for this plan possibly with this curb cut without an approval for this curb cut.

MR. SHAW: Correct, subject to.

MR. PETRO: We understand that.

MR. VAN LEEUWEN: That concrete slab to the left side of the building as you see it here, is that going to be completely removed?

MR. SHAW: The concrete slab?

MR. VAN LEEUWEN: There's a large concrete slab part of the old building is still there.

MR. SHAW: Yes.

MR. VAN LEEUWEN: That is going to be removed?

MR. SHAW: Absolutely, we're going to be regrading, putting in curbing, putting in blacktop.

MR. STENT: Any siding?

MR. BABCOCK: Shrubbery.

MR. SHAW: I just can't see that staying.

MR. PETRO: Mark, do you have anything back under lead agency coordination letter in?

MR. EDSALL: I don't believe I have received any responses.

MR. PETRO: It was sent out on the 5th of October so they'd have 30 days times lapsed and we can now take lead agency. Motion to do so.

MR. VAN LEEUWEN: So moved.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the M.C. & B. Partnership site plan amendment on Route 300 and 32. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN AYE
MR. STENT AYE
MR. DUBALDI AYE
MR. PETRO AYE

MR. PETRO: We have fire approval on 9/28/95 and water approval on 9/26/95. Is there any other comments from the board at this time? We'd like to open it up to the public.

MR. VAN LEEUWEN: Open it to the public.

MR. PETRO: On the 23rd day of October, 1995, 17 addressed envelopes went out to the surrounding property owners. If there is anyone here that would like to speak on behalf of this application, please come forward, state your name and address and I guess we're ready.

MRS. RICHICHI: I am here to represent my dad, Angelo Rosemarino and we have property adjacent to M.C. & B. Partnership and we do have a few concerns. I think last time from the last drawing we had an ingress egress possibility from M.C. & B. Partnership to our property and we were wondering if that is still available to us?

MR. SHAW: I'm not sure what the ingress egress possibility is.

MRS. RICHICHI: In between properties there was going to be egress and ingress possibly.

MR. SHAW: There was going to be a connection for traffic to pass from one property to the other?

MRS. RICHICHI: Correct.

MR. DUBALDI: We approved that?

MR. SHAW: No.

MR. PETRO: You're talking about the plan before this?

MRS. RICHICHI: Yes.

MR. SHAW: There was no interconnection between the two properties on the plan that was approved by this board.

MR. PETRO: It was a two-way curb cut but there was no access to your property.

MRS. RICHICHI: But there was a discussion if there, that if a point in time if we agreed to it, that that would be a possibility that would exist.

MR. SHAW: That I think was discussed at the time but it was not incorporated into the approval, okay, by this board. I think what this board requested was that I or my client send a copy of the plan to you as a requirement of that approval, we did that. In fact, we had met in my office and we reviewed the plan, we fulfilled that condition, I notified the board accordingly.

MRS. RICHICHI: But in the minutes, it also states that you would give us the option of possibly doing that. Is that still an option?

MR. SHAW: I don't believe you're correct that the minutes stated that we would give you the option of doing that.

MRS. RICHICHI: Well, you would talk to us about it to see if that would be something that would be amenable to us.

MR. SHAW: I can't speak for my client but in my conversations with him, I think that he would like to proceed with this plan that is before the board without any interconnection.

MRS. RICHICHI: Without any interconnection, okay, there's also on my father's part, he's concerned about how it's going to be a matter of economy, as far as how he would remove the snow in front of his building and on the side of his building. I know that you gave approval but is there a suggestion in how that would be done, I mean without--

MR. VAN LEEUWEN: That is kind of a hard thing for us to say as a board, okay, we really have no control over snow and snow removal on somebody else's property.

MRS. RICHICHI: I know but my dad feels that his property is in a way would be brought less of a value.

MR. VAN LEEUWEN: I don't think it's brought less of a value. It's closed it in.

MRS. RICHICHI: So it makes it hard to work with.

MR. VAN LEEUWEN: A little more difficult than it was, correct, but actually what if you had a meeting with, and I remember us requesting that you do that, they do get in contact with you and present a plan that was done right.

MR. SHAW: Correct, that was done.

MR. VAN LEEUWEN: Came out of that meeting cause that wasn't part of our--

MR. SHAW: What this board requested as a condition of approval and again, this was after the public hearing was that we contact all the adjacent property owners and get them a copy of the plans. Mrs. Richichi contacted me about a month later and we had a meeting in my office where I gave her a copy of the plan and we also reviewed it in detail and that fulfilled the requirement of this board and I notified the board of that meeting in writing, all right, cause that was one of the subject-tos of our approval.

MRS. RICHICHI: And in reviewing the plan we were not happy with it but.

MR. VAN LEEUWEN: Then you should of wrote us a letter and told us.

MR. PETRO: We were informed and we know that you're not happy with it, we talked at length and my feelings were made at the last meeting and I'm trying to keep quiet at this meeting. The problem is they own the

property and my sentiments are with you, I have talked with the owner of the other property and this is what he wants, okay, as far as this board is concerned, we're looking and can only look at what he's doing on his property. It's his property. There's nothing we can do, frankly, and he knows it, as well as you know it. And I'm telling your father and your sister I'm not happy with it either. But it is his property and that is what we're reviewing. If you want to talk to him about it outside of this board's influence or other matters, whatever you may want to do, that is your business and his business. But as far as him putting this curb cut and this configuration where he has it on this map and matter of fact, it's even off his property line, there's not a thing that we can do about it.

MRS. RICHICHI: So what about the fact that the property was opened for so many years and property was used by both owners prior?

MR. PETRO: You can address that to the attorney. You can answer it.

MR. KRIEGER: Okay, whether or not your father or any owner of that property has acquired some legal right to use their property is something that cannot be decided by this board, regardless of the sentiments of any board member, they simply haven't the legal power to decide that, the legal power to tell this applicant that he must make part of his property available in any way, shape or form to your father or anybody else who's not his property that, is not to say that he isn't subject to being told that by somebody else but he can't be told that here, this board can't tell him that so your question with regard to the use over the years is basically one that can't be answered here, it's not to say that there are not places where it can be answered but this isn't it.

MRS. RICHICHI: That is as far as my questions go, thank you.

MR. JOSEPH PRIMAVERA: Joe Primavera, 3 Young Avenue, Marlboro or Primavera Hardware. He's mentioned the things but know what the board said last time and I

don't see why it should be changed but it's his property, like you said, so it can be changed but let me give you a little background about the building. This building was put up as a temporary building for storage of windows and doors and insulation by Schoonmaker Builders, these people built this thing on a slab, this building has no footings, this building raises and lowers every time it freezes. I don't see how the waste line connects together anymore but this is, it's a temporary building that is the way it was built. It was only built for storage. It was never meant to be a public building.

MR. VAN LEEUWEN: I remember it was an open storage building.

MR. PRIMAVERA: It was never meant to be a public building. If they can make it where it's perfectly safe and it meets all the requirements of the building inspector, that is fine.

MR. PETRO: That was my smile because it's really a building department code, not planning board.

MR. PRIMAVERA: Does the building have to be brought up to code?

MR. PETRO: Mike, you can answer that.

MR. BABCOCK: No.

MR. PRIMAVERA: Why not?

MR. BABCOCK: It's an existing use.

MR. PRIMAVERA: You're going to do major surgery to this building.

MR. BABCOCK: There's certain criteria, the elements that they deal with, yes, they do have to meet the code but as far as the entire structure being brought up to code, no, it doesn't.

MR. PRIMAVERA: I thought if you look at the entire wall on the driveway side, it's totally rotten. If you

look at it, that is a bearing wall that is holding up the whole goddamn building and the way it is right now it should have been condemned when Korngold had it. It shouldn't even have been standing right now. The chimney going through the roof you can see the whole thing is rotted off, it's a fire hazard that can be taken care of but there's, the petitions are not anchor bolted down, they used masonry nails to secure this thing to the concrete. If you don't think those are major problems with no footing and these walls are not secured to the concrete anyway, somebody steps on the, puts his car in forward instead of reverse, he will knock the whole building down with people in it. It's not a safe building. It's been that way, it was only built as a temporary thing, it's 40 years old. I know from customers coming in the store, they have been required to dig up their patios and put footings underneath the patios. This is just a little patio we're talking about, a whole building that is open to the public. So that is all I have to say but I don't think the building is fit for habitation.

MR. PETRO: You understand again I'm not trying to blow this off, that is not a planning board issue.

MR. PRIMAVERA: But it should be because if you approve it, he has nothing to say about it.

MR. PETRO: We cannot approve it because it's built on a slab.

MR. PRIMAVERA: Why, it's probably the only building in the entire town that is built on a slab, has no footings.

MR. PETRO: There's quite a few homes built on slabs.

MR. PRIMAVERA: No footings?

MR. PETRO: On slabs, as long as it's three feet below grade.

MR. PRIMAVERA: Slab, yes, but with a footing underneath it.

MR. PETRO: It's really not a planning board issue, I can't even discuss it because it's not an issue.

MR. PRIMAVERA: That is not something that would have to be brought up to you?

MR. BABCOCK: No.

MR. VAN LEEUWEN: Have them give us the engineering inspection of it.

MR. PETRO: Again, I still believe it's a building department.

MR. BABCOCK: Mr. Chairman, to my knowledge, they received a building permit from the town before I worked here and a C.O. to occupy this building so their C.O. still stands.

MR. PRIMAVERA: Who had a C.O.?

MR. BABCOCK: Cavallo's Restaurant.

MR. PRIMAVERA: That building has been sold probably three times, I don't think it's ever had a C.O.

MR. BABCOCK: It does have a C.O. I did research that, yeah, that back when we were tearing the buildings down we researched it, it does have a C.O.

MR. PRIMAVERA: And he has a C.O.?

MR. BABCOCK: Yes and that C.O. stands, you can't go back in and we don't issue a new C.O. every time a new owner goes in.

MR. PRIMAVERA: As a public building, does he have handicapped bathrooms?

MR. BABCOCK: He's not required. If you build a new building today, yes, he'd be required to do that. If there is financing on the property, it's just like yourself, you might not have the proper handicapped bathrooms also.

MR. PRIMAVERA: I thought if I was going to do 50% of a building that it would be required to update the entire thing to new code.

MR. BABCOCK: Well, there's what they call the 50% rule but it's more than just 50% of the building.

MR. PRIMAVERA: But the a roof and wall--

MR. BABCOCK: It's not 50% of a wall, it's 50% of the replacement cost of the building. That is where it comes in.

MR. PETRO: I don't want to belabor this.

MR. CARL SCHIEFER: Carl Schiefer, I live at 5 Willow Parkway, Town of New Windsor. And I was on the planning board when this was first discussed and I'm the one that asked the plans be sent to Angelo's and from what I am hearing, this is just, it may not be planning board business but I see two problems. I think the applicant is just finding a way to get around, they notified these people what they were going to do, the people voiced an opinion and then they went ahead and got approval anyway. So they are ignoring the fact that you know these people have a concern here. No, it's not their property but I for many years when I have went to Cavallo's, parked on their property and you know I have, they should be given some consideration. The second point you're going to approve a building that you don't know if it's safe based on what Mr. Primavera just said?

MR. BABCOCK: They are going to tell us whether it's safe or not, their engineers are going to tell us that.

MR. SCHIEFER: Well, I hope what I heard was wrong because if not, my opinion of this whole, the whole way this thing is being run is wrong. That is it.

MR. SHAW: Mr. Chairman, if I can just make a point, when the original application came before this board, there was a public hearing and the issue of the Angelo Rosemarino property never came up. It was only at the point when this board was giving approval did they

discuss to send the plan to the neighbor and I did that after we had approval. I just want to make sure it's clear on the record that I did not meet with Mrs. Richichi before we had approval. We had the approval in hand. And one of the conditions was that I give her a copy of the plan and that is when I had my meeting after our approval.

MR. PETRO: I want to ask you one more time and I know the applicant is sitting here and you can give help and answer why can we not give the people, your next door neighbor access off of this entrance, other than the fact that it's your property and you don't want to.

MR. SHAW: The reason right off the top of my head one, there's construction costs involved with it that my client is going to have to incur. Two, as Mrs. Richichi brought up before, does she have any rights to this property because it's been used in the past?

MR. PETRO: Let's assume that she doesn't.

MR. SHAW: If we agree to allow her to have rights over this property, to access the rear of her property, does it encumber the property, does it now give her rights which she doesn't have which would diminish the value of this property? I may want to point out, okay, that this property is not landlocked, it has access off of Route 300. Presently, there's a curb cut which DOT built which was to share, to be shared by their property and ours. We're doing nothing to encumber. In fact, we are helping them out by allowing them to use the corner of that piece for access, I just want to make sure that got into the record.

MR. VAN LEEUWEN: But I also believe in something that says good neighbor policy, okay, and I agree with the chairman, Jim, you're asking us now to keep, keep this building and we're hearing a lot of things coming out of the audience that says the building is unsafe. You're asking us to approve this building without engineering report which I'd like to see on this existing building, okay, and I would strongly suggest that you sit down with those people, see if you can't make an amenable situation that would help clear up

their problem as well as clear up your own problem.

MR. PETRO: Have you asked the pizza people here if they'd be willing to pay for part of the costs of this construction?

MR. SHAW: I have not done anything.

MR. VAN LEEUWEN: That goes without saying that they should pay.

MR. SHAW: I have not done any negotiating with Mrs. Richichi. If you asked me for a reason, I gave you two good reasons.

MR. PETRO: How about signing a waiver that their rights be forfeited if they sold the property so the property wouldn't be encumbered. We tried every avenue, I have lived there 42 years and the pizza place has been there 42 years so they have been there great a quite a while.

MR. VAN LEEUWEN: I'd like to see something happen otherwise I'm not going to vote for it.

MR. SHAW: May I please, don't take this as hardball, but we do have an approved site plan and that approved site plan does not show you any interconnection, if this board chooses to reject this plan.

MR. VAN LEEUWEN: You can go back to the original site plan.

MR. SHAW: I just wanted to bring that up.

MR. VAN LEEUWEN: I have been here 22 years, almost 23, I know what it is all about. I know what I am doing.

MR. STENT: He's making everything better with the one access, the original site plan shows two.

MR. VAN LEEUWEN: He's not helping these people.

MR. STENT: The original plan wasn't helping these people and he can still go back to the original.

MR. VAN LEEUWEN: Now they are asking us to leave this building here which was not part of this approval, you do whatever you want.

MR. SHAW: It's not my property, Hank.

MR. VAN LEEUWEN: I understand that.

MR. PETRO: Can you shed any light here at all as it stands? That is it, I'm addressing the owner of the property.

MR. JIM MILLETT: Well, I believe that in order for us to keep the building and provide parking, this was the way Greg was able to come up with a plan that worked. Our intention is not to slight the Richichis in any manner. We have been good neighbors. We have improved the value of all of our neighbor's properties at our expense and yet these people want to paint us with a big black brush that we have harmed them. Joe Primavera, to make those accusations to me it hurts, I have improved your value and I'm disappointed.

MR. PETRO: Address the board, please.

MR. MILLETT: Mr. Petro, believe me, if I had a magic wand and I could solve this dilemma, I'd been happy to but our intention is not to harm anyone. We want to live and let live, okay, we've hired an engineer who we think does an excellent job. We have asked him how can we make this thing work. This is his solution. We think it works, we're presenting it to you.

MR. PETRO: Let me ask you this, Greg. You can answer and Mark probably maybe help me out a little bit, too, the curb cut as it stands right now, why can that just not stay right where it is and still have no parking on the face of this building and have everything exactly the way it is, except with the, let the curb cut stay exactly the way it is.

MR. SHAW: Cause the curb cut, and I have pictures of it, if you'd like to see it, the curb cut begins about here and I know the audience can't see it, and I think

it ends about here, this is about the approximate width and as you can see, we have a little bit of a serpentine curvature to our access aisle getting to the parking area. If we were to leave this curb cut where it is, it gets even more serpentine because we're so tight with the parking. I'm afraid that if we leave it where it is by the time I move passed this corner and bind it in, I'm going to be wiping out another six parking spaces. I haven't done any work, if you ask me for my opinion off the cuff, that is it, that with this entrance being more to the west, I'm going to lose parking spaces.

MR. PETRO: Don't make it defined, just leave it the way it is, blend it into the property.

MR. VAN LEEUWEN: Leave it alone, just block right up to where it is now and leave the rest of it alone, leave the planter out.

MR. SHAW: Leave this area out, if I understand you, correct?

MR. PETRO: Just leave it alone all the way to the end of the building, blacktop it, obviously.

MR. EDSALL: Are you suggesting that what they do is leave the area near 32 wide open and then as they enter, they'd have to choose if they are going to the right in toward the proposed M.C. & B. parking lot or swing to the left and go toward Angelo's parking?

MR. PETRO: That is correct but there will be no parking for Angelo's and no parking for Mike's in that whole area, just be a wide open area, put some plantings there, not plantings but boxes.

MR. EDSALL: I have got to tell you that the ultimate decision is not going to be made by anyone in this room. They've got a permit from DOT and DOT does not like wide open accesses onto state highways, they may--

MR. PETTO: We're not changing a thing.

MR. EDSALL: It doesn't matter because when they review

a site plan, they can require upgrades and their upgrade currently is what their permit shows, DOT may not backtrack, they may require that a proper curb cut be put in. So, if you do want it pursued the best I can suggest is that you as a condition of approval require that a discussion occur and that we get input from DOT and if there can be a happy result achieved, fine. If not, you have got to go with what DOT tells you. We don't have jurisdiction to define the curb cut, we don't have that power. And we're not going to no matter how long we wait.

MR. PETRO: We can put it to them.

MR. EDSALL: You may want to make that a condition, we can sit down with DOT and believe me, I can attend that meeting and I think I get the drift what you want.

MR. PETRO: Save your client the cost of an entire curb cut plus the application fees and wait for it.

MR. SHAW: It would save the construction costs, the fees and the permits are already in hand but the construction costs, yes.

MR. KRIEGER: In considering this entire topic in general, I remind the board of the provisions of subsection capital A of 4819 which sets forth the objectives of site plan review and it says in part the board shall take into consideration the public health, safety and welfare and specifies but does not limit it to the residents in the immediate neighborhood in particular and the public also but in terms of the health, safety and the general admonition about health, safety and welfare, I urge the board's consideration of that requirement in connection with any discussion about the safety of the building. And the portion of the law that requires taking into account the residents in the immediate neighborhood in connection with the balance of the discussion.

MR. PETRO: So noted. Jim, do you strongly oppose my suggestion?

MR. MILLETT: I'm not here to oppose things.

MR. PETRO: Follow what I am saying. If we can leave it exactly the way it is, nothing changes, you have access, they have access. Obviously, you're going to save the construction costs. This is all subject to the DOT anyway, we're going to just put it for the--

MR. MILLETT: One of my concerns would be this cutting from 32 to 300 and from 300 back to 32, I have seen this going on now, I think that it could be a problem, that is something that I think that I'm concerned about.

MR. EDSALL: I have sketched an idea, I'm not quite sure that would be acceptable to DOT and I haven't had the time to show it to Jim or Rosemarinos but Greg and I looked at it, you know, if you want to leave something flexible, I'm willing to try to get the parties together and get DOT with us but I don't know as far as the curb cut we're not going to make that call but I think there are some potentials here for working it out.

MR. VAN LEEUWEN: If you sat down with Don Green, you'd get it handled.

MR. PETRO: If there's a potential for working it out at least we have gone that far, we know it's his property, it's tough that is it at least--

MR. EDSALL: I don't know that and it's just an opinion, I don't know that it is something that because their site plan stands on its own that you'd want to hold up their approval for but if you could make that a condition of approval that the effort occur and if in fact we can work something out, that doesn't substantially affect the traffic flow on the plan, it can just be done as an approval item and leave the chairman and myself some flexibility to have it accomplished without necessarily coming back.

MR. PETRO: I'm willing to go along with that.

MR. STENT: So am I.

MR. VAN LEEUWEN: I'll go long with it, too, the only thing is you can't expect this man here that he is going to blacktop for you too. You would have to share the blacktop costs so it all looks the same.

MRS. RICHICHI: We're very willing to blacktop our part to bring it up to the same grade level.

MR. VAN LEEUWEN: So everything looks decent.

MRS. RICHICHI: Yes.

MR. EDSALL: There's going to be need, as Jim indicated, we have to eliminate the cross cutting traffic.

MR. MILLETT: That is a big problem.

MR. EDSALL: Jim's putting signs to prevent that, I'm sure the neighbors would have to do the same.

MRS. RICHICHI: We have no problem with that.

MR. VAN LEEUWEN: Everybody would have to work together if this is going to work.

MR. PETRO: And you understand again if the DOT should happen to say no, we do not accept this, we don't like this.

MR. MILLETT: Do you want to ask Mr. Primavera if he has any suggestions. Henry is anxious to get everybody to work together, you want to ask Joe if he has anything that he wants to put his two cents in on too while he's here.

MR. PRIMAVERA: I have no problem, Jim.

MRS. RICHICHI: I agree with Mr. Primavera and as far as safety of the building, I mean who's responsible for making sure that that building is safe?

MR. VAN LEEUWEN: That will be taken care of.

MRS. RICHICHI: Before building approval is even given?

MR. VAN LEEUWEN: That will be taken care of, believe me.

MR. PETRO: Okay, I think, is there any other person here that would like to speak on behalf of this application? If not, I'll take a motion to close the public hearing.

MR. DUBALDI: So moved.

MR. VAN LEEUWEN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing on M.C.&B. Partnership site plan amendment on Routes 300 and 32. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

MR. PETRO: We took lead agency. Motion for negative dec?

MR. VAN LEEUWEN: So moved.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning board declare negative dec for M.C. & B. Partnership site plan amendment on Route 300 and 32. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

MR. PETRO: I have a motion for final approval.

MR. STENT: I move that we finally approve it subject to.

MR. PETRO: I'll subject to it.

MR. VAN LEEUWEN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board give final approval to M.C. & B. site plan amendment on Route 32 and 300 subject to possibly sitting down with the DOT and coming up with a viable plan that would make all the parties that are interested happy.

MR. KRIEGER: Subject to possibly doesn't mean a thing.

MR. PETRO: If not everyone here will understand that the plan will stand as it stands.

MR. VAN LEEUWEN: And I would like to see you sit in on that meeting, Jim, if you can.

MR. PETRO: I understand that in other words we're approving the plan as it stands.

MR. SHAW: The plan that is before you tonight leaving the restaurant in tact.

MR. PETRO: Everything is exactly right, this plan that is before the board tonight but we'll sit down with the DOT and if possible, we'll leave the present curb cut if it's acceptable to DOT and acceptable with the owner, that it will remain as is as long as it can be worked out.

MR. EDSALL: Or as--

MR. PETRO: We're not requiring it, we're suggesting and we do plan on having one meeting.

MR. VAN LEEUWEN: I suggest that they also share in all the costs that are involved and ensure that is involved

because they are going to have to get insurance for each other and so forth.

MR. STENT: They'd have to provide you, Jim, with insurance, people slipping and falling down, gaining access to and from their business, liability insurance.

MR. VAN LEEUWEN: That shouldn't be a burden on you.

MR. PETRO: Let's stick with the planning board. Any further discussion from the board members? Mark, anything else?

MR. EDSALL: Just clarification as far as leaving the curb cut as is or if there's a common entrance that requires some changes as long as it's acceptable to all the parties, DOT might tell to us put something in that would serve both.

MR. PETRO: Correct, there will be no parking on either side of the building, as you have it now and they'd also have to understand that they are coming in there, they can't be backing out into the drive. Okay?

MR. SHAW: Okay.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

MR. SHAW: Mr. Chairman, just so I understand exactly what this board approved, you approved the site plan, what you also did was strongly recommend that a meeting take place between the two property owners and the DOT with respect to a common accessway, that being the existing accessway. It's also my understanding with this approval that if the owners decide not to have this meeting, that they do not want to have a shared common entrance that the approval still stands?

MR. VAN LEEUWEN: No.

MR. EDSALL: The meeting's got to occur.

MR. VAN LEEUWEN: The meeting's got to occur and if you can't get together with them and work it out.

MR. PETRO: If the DOT should say absolutely not, we don't want that, we want it as it's on the map, we have done as much as we can and the plan stands as it stands.

MR. SHAW: Just to turn over the one last card, if one of the parties elects not to participate in this meeting, is there an approval tonight or not?

MR. PETRO: No, you have to have the meeting, give it the best effort but you don't necessarily have to have the change.

MR. SHAW: I understood, thank you.

M.C. & B. PARTNERSHIP SITE PLAN AMENDMENT (95-27) RT.
300 AND RT. 32

Gregory Shaw of Shaw Engienering appeared before the board for this proposal.

MR. SHAW: M.C. & B. Partnership, we received site plan approval from this board probably about a year ago for three structures on this site. One was for a Jiffy Lube, which is up and is in operation, another was for a retail building number one which is now Blockbusters, that is built, building number 2 has not been built. One of the conditions of this board when we discussed it at length was the timing of the construction of retail building number 2 tied in with the demolition of the building which fronted on Route 32 which was the former Red House, we were going to leave a piece of the building up which was Cavallo's Restaurant whose lease expires in October of this year. There was conditions with that site plan approval, time limitations where we had to demolish Red House by a certain date and then when the lease expired with Cavallo's, the demolition of that building. When that happened, we would then be in a position of going ahead and constructing retail building number 2, if my clients had the tenants and wished to move forward with it. Hopefully, that strikes a bell with everybody. The proposal before you tonight now is a little bit different. The proposal is to leave Cavallo's Restaurant, have Cavallo's Restaurant which is 1,800 square feet of restaurant area. What I have done is to modify the site plan so that Cavallo's remains and I have taken 1,800 square feet away from retail building number 2. There was formally in that strip of land going out into Windsor Highway a 25 foot wide access aisle double loaded, you can see portions of it remain but again, that portion which is by Cavallo's Restaurant is now going to be reduced down to a 15 foot wide one way in access aisle. The parking that is on the plan is sufficient, I believe we have three spaces in excess of that which is required, Cavallo's Restaurant I believe is requiring 16 spaces, excuse me, yes, 16 spaces, we're providing 19 spaces in that area. The additional spaces we generated was on the end of retail building number 2 which is the right-hand side of the drawing closest to

the five corners. That is where we took the 1,800 square feet and in its place we put in approximately 7 park spaces. This is a concept plan. It is to get some feedback from this board whether or not you feel comfortable with that restaurant remaining and I guess I'm looking now for input from this board as to the next step and where we should go with it. Again, it's a deviation from that which was approved a year ago.

MR. VAN LEEUWEN: I remember when you were here before we discussed that building was going to look like Cavallo's building, there is nothing here to me that is what the whole thing depends on, what it is going to look like, is it going to blend in with these buildings, is it going to stay the way it is now, is it going to be fixed up?

MR. SHAW: Maybe I can bring up the owners, Jim Millett, and John Connell.

MR. VAN LEEUWEN: We want to see some kind of rendering.

MR. SHAW: We don't have that with us tonight. The sketch was presented at the workshop session Wednesday, it just can't be generated that fast. From my client's perspective, you know, they wanted to make sure that it was palatable to this board, not approveable before they went out and spent the money and got the architect on the site, again, cause it was so much of a deviation from that which you wanted a year ago.

MR. VAN LEEUWEN: Can I say something? We don't want this. You want this. We really didn't want this, okay, now you're coming back and you want it.

MR. SHAW: No, you wanted it demolished a year ago.

MR. VAN LEEUWEN: Right. Now you want to come back. You want to leave it up.

MR. SHAW: If your position still is we want it demolished today, then there's really no--

MR. PETRO: We have established it's beneficial to

everybody if the building is cleaned up and it looks nice inside and out and how you're going to look at it, we understand they don't want to spend the money, we've already talked to the applicants at one time and said that we didn't have a problem if they can provide us with information they had and the rendering.

MR. SHAW: It's not the money, it's the short notice, it's really the time more than the money.

MR. LANDER: Jim, John, just let us know what you're going to do.

MR. MILLETT: We have talked with the people that did the work for us on the Blockbuster and the Jiffy Lube, we've gotten some estimates as to pricing for a new roof, repairs on the rear wall that faces Primavera's Restaurant or Hardware, excuse me, and we have been eating nails, believe me and re-siding the building, repairing, they are replacing one or two doors that are bad in there and painting it.

MR. STENT: Plan on doing all the exterior of the building and dressing it up?

MR. MILLETT: Yeah, right but I mean we're going to put a white siding on and probably a black roof or something like that. Now do you need a rendering for that?

MR. DUBALDI: Like to know what kind of materials you're going to be using. Is it going to be consistent with the other buildings on the site?

MR. MILLETT: Well, the other buildings are masonry and this happens to be a wood structure so we're not, you know.

MR. CONNELL: It's going to be consistent with what's alongside of it.

MR. LANDER: Aluminum siding, that is what they doing?

MR. MILLETT: Probably vinyl or aluminum, I don't know what.

MR. PETRO: Let me interrupt you with this. We're going to have a public hearing for this at some point. We have had a number of people calling. I think it's going to be a good idea that we have a public hearing. At the public hearing, it would be beneficial to everybody involved and I think the board members want to see it is some form of rendering so what the building is going to look like. It's been an eyesore for a long time. You bought it as an eyesore, you didn't create it. And I think we'd like to have a rendering.

MR. MILLETT: We have already improved an eyesore for this community and we have spent a lot of money doing it.

MR. DUBALDI: And we appreciate it, I mean the town.

MR. MILLETT: Well, I can tell.

MR. PETRO: But I think a rendering would be helpful, especially for the public hearing.

MR. MILLETT: We'll jump through the hoops.

MR. PETRO: I have a question. The curb cut configuration coming in the one way in, you're doing this and you're creating this for a specific reason or is there a reason that you cannot leave the existing curb cut the way it is?

MR. SHAW: The existing curb cut not only services our property but it services a maybe an eight foot strip of land on the property known as Angelo Rose Morino Enterprises and my conversations with Don Green for the previous permit that we have obtained there's certain criteria which he set up, I believe with this application we're going to require a new curb cut for this and that we can't utilize the old curb cut. What he is concerned about is the curb cut is that the adjacent properties utilize our curb cut and park on their property through our curb cut. I'm just trying to think of exactly where you remember we had to put in a curb along the property line between us and Primavera

because he was concerned about Primavera parking on our property through a strip of land that he owns but yet utilizing our property for some parking spaces.

MR. PETRO: The concern obviously is not I realize you're doing what you're doing on your own property, okay, but not to completely if we can and if I know Jim's not happy right now but maybe tomorrow will be a different time to still access the other properties in the area, mainly the pizza place by not changing the whole configuration, can we still come up with some way to do that?

MR. SHAW: If you are looking for me to take that to come in with a new drive so that they can continue to access their property, that is the rose Marino Enterprises that is going to affect my layout, it's going to affect my parking. I'm taking this drive and pulling it closer to the property where it physically exists and now I have a greater turn to get into my parking area and I may start losing parking spaces in order to access the parking area behind Cavallo's.

MR. PETRO: Where it stands right now, it's closer to the pizzeria.

MR. SHAW: Where it physically exists right now is right through here.

MR. DUBALDI: Why do you want that, if I can ask, why is that?

MR. PETRO: First of all, I don't want it, first of all we have had a letter, we have had some people here from the pizza place and it's going to create a hardship for them if there's no access to their property, they have a business and there's no way to get to it.

MR. LANDER: Isn't there an access through the rear here?

MR. SHAW: Yes.

MR. PETRO: Access from Route 32.

MR. VAN LEEUWEN: Pizza place has been parking on their property for years and they want to continue that.

MR. LANDER: On Dr. Korngold's property you mean.

MR. VAN LEEUWEN: Yeah.

MR. PETRO: We realize what you're doing is on your property. I'm just asking that is all.

MR. MILLETT: Why should we have to provide parking for our neighbor?

MR. VAN LEEUWEN: We're not asking you to do that.

MR. MILLETT: Sounds like you are, sounds like that is what you're asking us to do.

MR. VAN LEEUWEN: Just the opposite I'm saying why should these people for years these people have been parking for the pizza place were parking and on your property, why should you have to continue to provide parking? That is what I said.

MR. LANDER: That is not what I comprehended but--

MR. PETRO: That is not what I am saying. I am asking what you're asking, I am asking why can you not help out the neighbor, if you can? That is all I'm asking and your answer is you don't want to and that is the end of it.

MR., MILLETT: We don't mind helping somebody out but why should we hurt ourselves in the process to try and help them?

MR. PETRO: You shouldn't and if you have to alter your S turn or you have to lose a parking spot that you can't give up or if you have legitimate cause we're going to have a public hearing, they are going to get up and ask us those questions and I'm going to give them the answers, you can't because the configuration of your parking would change and you can't take care of your own business at least I have something to say to the people but they don't want to go home.

MR. LANDER: Mr. Chairman, why are we having a public hearing?

MR. PETRO: Because we have had a number of letters which I have here.

MR. LANDER: From who?

MR. PETRO: Mr. Primavera, for one, from the pizza people for another.

MR. LANDER: Can I ask Primavera had an objection to this being changed is that what--

MR. VAN LEEUWEN: I spoke to Joe Primavera, he objects, it's not for, he wants it come down.

MR. LANDER: Cavallo's to come down?

MR. VAN LEEUWEN: Yeah.

MR. PETRO: We had a public hearing and we told the public at the time that the map that was up that that building would be taken down and including Mr. Primavera. Now that we're not going to, we should have another public hearing, tell them what we're doing. This is not the plan that they saw at the public hearing.

MR. MILLETT: I agree with you, that is fine. That is not unreasonable.

MR. EDSALL: Just get back to the driveway again. Two comments. One, you know we can discuss the layout as much as we want but the group that counts is what the DOT says so we should get to the DOT as soon as we can. As far as using the access, my concern in connecting it with the Angelo's property next door is if Greg and the DOT want this as a one-way drive, we start providing connections, we're going to start getting people sneaking out opposite traffic. It's going to be a hazard. So if in fact DOT agrees to the one way access aisle, I think we really can't have any connections into it because it would be a very dangerous situation.

MR. PETRO: But I still want to know this question now I am considering myself as the owner of the pizza place, I have been using the curb cut and entering there for 25 years, I realize most of the curb cut is on my neighbor's property, now once the curb is changed, I don't have enough room to access Route 32. I would never get a curb cut of my own, it's impossible, I cannot take anyone from Route 32 for my business, he's been using it for 25 years, does he have any legal recourse, can he do anything? I have been coming in there all these years now all of a sudden they are going to put a fence there, they are going to have a planting area, change the curb, I can't even come in that area.

MR. BABCOCK: I think right now the pizza shop could pull off 32 right now with the conditions that are out there onto their own property, there's about ten feet from the building.

MR. PETRO: That is going to change.

MR. BABCOCK: Yeah, that is the question.

MR. VAN LEEUWEN: State is going to change it.

MR. PETRO: Whenever a public hearing and people see something they go home happy at least they got a chance to see it because we're telling you that is what we're doing, all right.

MR. VAN LEEUWEN: I think it would be easier if you guys tear it down, to be honest with you.

MR. LANDER: Well, Mr. Cavallo wants to stay.

MR. PETRO: I think the owner of the property and yourself have answered the question as far as the curb cut is concerned, this is what you want to present, it's your property and that is what you want to do. So I don't have a problem with that, we're going to have a public hearing, we're going to discuss it, you'll be asked those questions and you can answer them the same way you answered them to me. I think the main concern

of the board, the main concern I don't have any problem with this layout whatsoever as far as chairman, there's four other members, the outside of this building because if it is done properly, we'll never hear the end of it and Jim it's a minor thing to do the outside of that building. Look what you have done already. This should be a walk through the park.

MR. MILLETT: We'll take a walk through the park.

MR. PETRO: You don't need an expensive rendering, have them draw something up so we can put it on the board, show Texture 111 or vinyl or brick, whatever you're going to use, not texture 111, I take that back.

MR. MILLETT: We'll have a rendering.

MR. LANDER: I'd just like to go on record here to state that it is the property owner's right to put a fence around his property and if he wanted to, he could put a fence right down his property line right here, not even a curb, I'm just saying.

MR. VAN LEEUWEN: It is his right but why?

MR. PETRO: I don't think he's trying to.

MR. LANDER: He can put a fence on his property he doesn't need our approval to put a fence there, just one more thing what's stopping Angelo's Pizzeria where a patron is parking on these parking spots on their property.

MR. VAN LEEUWEN: Not going to stop them.

MR. LANDER: Yeah, so--

MR. VAN LEEUWEN: I don't think that these people should have to provide parking places for the pizza place, that is what I said before.

MR. LANDER: It's not yours, I should have charged you rent for 25 years you have been parking on my property. The doctor should write a letter, Dr. Korngold.

MR. PETRO: On something else, I see you have a connecting sidewalk to the Route 32 parking area, which is here, who is going to build that?

MR. SHAW: That was one of the conditions of the site plan you approved a year ago, my client is obligated to build it. It is to allow people who park in this parking lot to walk into this retail store, Blockbuster, there's also some landscaping that goes along with it.

MR. PETRO: Is there any legal--how do you go on to the town's property and build something, do you have to get a permit?

MR. EDSALL: Supervisor corresponded with the planning board requested that you make them do that.

MR. PETRO: Basically, that is all settled.

MR. EDSALL: Yes, we don't need to concern ourselves any further.

MR. PETRO: Drainage, what changes, was there any sheet flow to Route 32? Was there any culverts that have been eliminated?

MR. SHAW: With the original design, it was intended to take this storm drainage, bring it to the front and tie it with the existing storm drainage on 32. When we go with an engineer, this parking lot again we'll again bring the water to the front and to the drainage system on 32.

MR. PETRO: Do you plan on renovating or revising this plan in any fashion that we cannot set up a public hearing? Are you going to use this, is this the plan you're going to present?

MR. SHAW: I would think that is the plan that is going to be presented before the public hearing, I can't see making any other changes to it,

MR. PETRO: You'll have a rendering done by the time of the public hearing which will be probably a month from

now?

MR. SHAW: If that is what the board's wishes are, my clients are going to have to make arrangements to have one done.

MR. VAN LEEUWEN: We're going to need that. Motion for public hearing.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board set up a public hearing for M.C. & B. site plan amendment on Route 32. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT	AYE
MR. DUBALDI	AYE
MR. LANDER	AYE
MR. PETRO	AYE
MR. VAN LEEUWEN	AYE

MR. EDSALL: When we have an amendment, it's a separate approval action and again you have got, can we just send them a letter, DOT, telling them we'd like to be lead agency.

MR. PETRO: Why don't you send that up.

MR. DUBALDI: Make a motion we declare lead agency under the SEQRA.

MR. EDSALL: Can't declare, we've got to send a letter, we'll do that.

MR. PETRO: Also they need to go to the fire department.

MS. MASON: It's already gone.

MR. PETRO: I think we're all set up.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.

WILLIAM J. HAUSER, P.E.

MARK J. EDSALL, P.E.

JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: M. C. & B. SITE PLAN AMENDMENT
PROJECT LOCATION: NYS ROUTES 300
SECTION 69-BLOCK 2-LOTS 1, 2 AND 12
PROJECT NUMBER: 95-27
DATE: 27 SEPTEMBER 1995
DESCRIPTION: THE APPLICATION INVOLVES A PROPOSED REVISION TO THE PREVIOUSLY APPROVED M.C. & B. PARTNERSHIP SITE PLAN LOCATED BETWEEN ROUTE 300, OLD TEMPLE HILL ROAD AND NYS ROUTE 32. THIS AMENDMENT HAS BEEN REVIEWED ON A CONCEPT BASIS ONLY.

1. To my understanding, the revisions include a proposal to maintain the existing Cavallo's Restaurant, as well as revisions to the access and parking in that area. In addition, elimination of 1,800 square foot of retail is proposed for Building No. 2, with associated layout revisions at the south end of that building.

It is recommended that the Board request a detailed outline from the Applicant's Engineer as to these changes and any other changes which may be proposed.

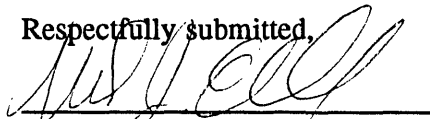
2. The Applicant has addressed all requests from the Technical Workshop of 9/20/95, with the exception of one-way "arrow" type signs at the curb cut to Route 32. Obviously, these signs and the revision to the access to the State highway are subject to review of the New York State Department of Transportation. I suggest that this referral be made at this time.
3. I suggest that the Board perform a concept review of this revision and provide the Applicant with any input with regard to their findings. After an acceptable layout is determined, and we have heard from the NYSDOT, the Board will need to determine whether they require additional revised plans, to address the landscaping, lighting, etc. (all of which were included in the original site plan package).

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: M. C. & B. SITE PLAN AMENDMENT
PROJECT LOCATION: NYS ROUTES 300
SECTION 69-BLOCK 2-LOTS 1, 2 AND 12
PROJECT NUMBER: 95-27
DATE: 27 SEPTEMBER 1995

4. The Planning Board may wish to begin the SEQRA review process at this time. For this site plan amendment, it would appear that the only other involved agency is the NYSDOT. The Board may wish to issue a Lead Agency Coordination Letter, indicating the Board's desire to be Lead Agency on this amendment review.
5. At this time, or some time in the future, the Board must determine whether this revision is significant enough to require a new Public Hearing for the site plan.
6. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:MCB.mk

In the Matter of Application for Site Plan/~~Subdivision~~ of

AFFIDAVIT OF
SERVICE
BY MAIL

On 10-23-95, I compared the 17 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for Site Plan/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

AFFIMAIL.PLB - DISC#1 P.B.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

October 19, 1995

Gregory J. Shaw
744 Broadway
Newburgh, NY 12550

Re: Tax Map Parcels 69-2-12, 69-2-1 & 69-2-2
Owner: MCB Partnership

Dear Mr. Shaw:

According to our records, the attached is a list of all abutting and across the street property owners.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's office.

Sincerely,

Leslie Cook
LESLIE COOK
Sole Assessor

LC/po
Attachment
cc: Myra Mason

Route 300 Associates
c/o John Yanaklis
550 Hamilton Ave.
Brooklyn, NY 11232 ✓

VGR Associates
c/o Bobrow & Rosen
400 E. 69th St.
New York, NY 10021 ✓

Albany Savings Bank
94 Broadway
Newburgh, NY 12550 ✓

R&S Foods, Inc.
249 North Craig St.
Pittsburgh, PA 15213 ✓

NYS Dept. of Transportation
Office of the State Comptroller
A.E. Smith Office Bldg.
Albany, NY 12236 ✓

Grana, John
PO box 317
Vails Gate, NY 12584 ✓

Primavera Properties, Inc.
PO Box 177
Vails Gate, NY 12584 ✓

Angelo Rosmarino Enterprises, Inc.
PO Box 392
Vails Gate, NY 12584 ✓

S&S Properties, Inc.
123 Quaker Rd.
Highland Mills, NY 10930 ✓

Conna Corporation
c/o Dairy Mart #6668
Attn: Prop. Admin. Dept.
One Vision Dr.
Enfield, CT 06082 ✓

Kelly, Katherine
Box 38
Vails Gate, NY 12584 ✓

Rosenberg, William & Viola
c/o Big V Supermarkets, Inc.
176 No. Main St.
Florida, NY 10921 ✓

12

5

17

List

official

envelopes Mailed

10/23/95

12

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on November 8 1995 at 7:30 P.M. on the approval of the proposed Site Plan ~~(Subdivision of Lands)*~~ ~~(Site Plan)*~~ OF Shopping Plaza For M.C. & B. Partnership located on the east side of NYS Route 300 (Section 69, Block 2, Lots 1, 2, & 12) Map of the (Subdivision of Lands)(Site Plan)* is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

Dated: October 20, 1995

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.

Chairman

NOTES TO APPLICANT:

- 1). *Select Applicable Item.
- 2). A completed copy of this Notice must be approved prior to publication in The Sentinel.
- 3). The cost and responsibility for publication of this Notice is fully the Applicants.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

5 October 1995

SUBJECT: M.C.& B. SITE PLAN AMENDMENT
TOWN OF NEW WINDSOR, NEW YORK (P/B REF. NO. 95-27)

To All Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an Application for site plan approval of the M.C.& B. Site Plan Amendment project located on NYS Routes 300 and 32 within the Town. The site plan amendment involves revisions to the access to Route 32, maintaining a portion of a building on Route 32 previously identified for demolition, and deletion of a portion of the proposed retail space interior to the site. It is the opinion of the Town of New Windsor Planning Board that the action is an unlisted action under SEQRA.

This letter is written as a request for Lead Agency coordination as required under Part 617 of the Environmental Conservation Law.

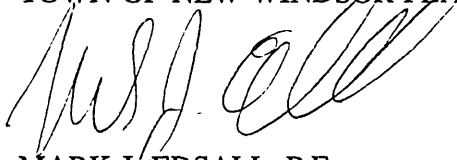
A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA Review Process, sent to the Town of New Windsor Planning Board, 555 Union Avenue, New Windsor, New York 12553, Attention: Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved Agency desire the Lead Agency position, it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position.

Attached hereto is a copy of the location plan from the site plan, for your reference. A copy of the Short Environmental Assessment Form submitted for the project is also included.

Your attention in this matter would be most appreciated. Should you have any questions concerning this project, please do not hesitate to contact the undersigned at (914) 562-8640.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD



MARK J. EDSALL, P.E.
PLANNING BOARD ENGINEER

Enclosure

cc: NYS Department of Transportation, Poughkeepsie
Town of New Windsor Supervisor (w/encl)
Town of New Windsor Town Clerk
Applicant (w/o encl)
Planning Board Chairman ✓
Planning Board Attorney (w/o encl)

A:MC&B.mk

FLOOR AREA IN SALES USE

- (9,700 S.F. / 150 S.F. PER SPACE)

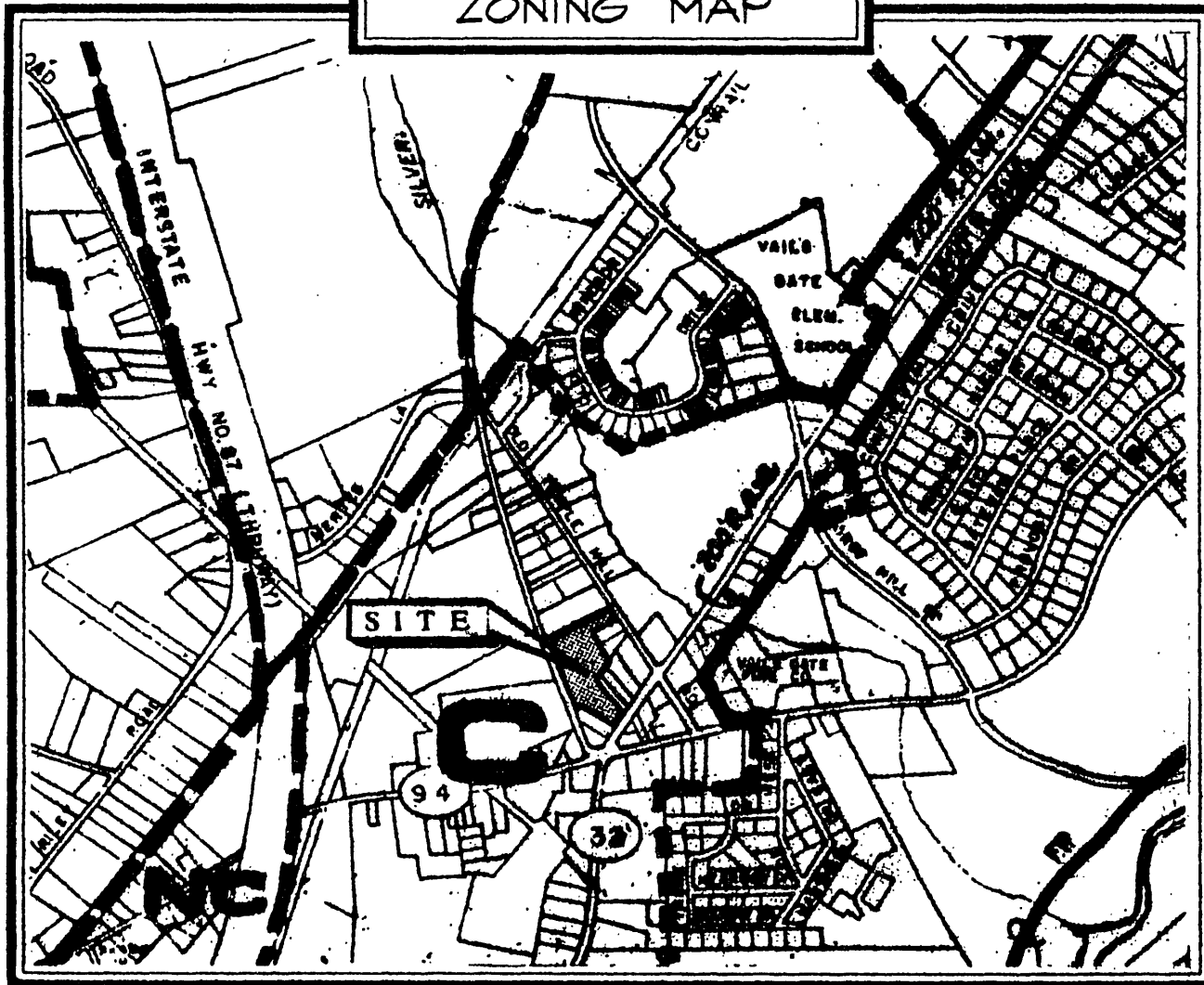
65 SPACES

65 SPACES

RESTAURANT

12 SPACES

ZONING MAP



95-27

SEQR

14-16-4 (2/87)—Text 12

PROJECT I.D. NUMBER

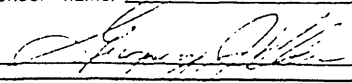
617.21

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM **For UNLISTED ACTIONS Only**

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR M.C. S B. Partnership	2. PROJECT NAME Shopping Plaza for M.C.SB. Partnership
3. PROJECT LOCATION: Municipality Town of New Windsor County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) East side of NYS Route 300, 300 feet north of Route 32 and 94.	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Amending a site plan approval to allow the substitution of 1,800 s.f. of restaurant for 1,800 s.f. of retail space.	
7. AMOUNT OF LAND AFFECTED: Initially 3.05 acres Ultimately 3.05 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval Town of New Windsor Planning Board - Site Plan Approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Gregory J. Shaw, P.E. Date: Sept. 22, 1995	
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

DISCUSSION

RICHICHI, CYNTHIA - RE: MC & B PARTNERSHIP PROPOSAL
FOR EXISTING RESTAURANT TO REMAIN

Ms. Cynthia Richichi appeared before the board for this discussion.

MR. PETRO: You're talking about Mike Cavallo's restaurant?

MS. RICHICHI: My name is Cynthia Richichi and my dad owns property adjacent to MC& B Partnership and we do have a concern with the curbing that they will be putting up and I had spoken to Jim Miller over the phone and he discussed with me at the time we already have site approval, we really can't change it, any of the curbing or separation there will be between the properties. And I had spoken to him and said well, the property has always been open at that intersection since we have been there from 1973 and to close it up, I think, you know, if we took it to court, I don't know which way it would go. But we certainly could win. There's a seven year law they say if you use a property within that time, maintained it, that you have--

MR. PETRO: Let's hope it doesn't go that far. Let me interrupt you with one thing here.

MR. LANDER: Before you get that, she's the restaurant right next door to Cavallo's.

MS. RICHICHI: Pat's Better Pizzas.

MR. LANDER: I thought that is where you were. I wanted to clarify.

MR. PETRO: As far as the curbing that is proposed on the plan that was it, it is on the plan there and was part of the accepted site plan. We have told them that they have to come in now with a new plan and show us what they are going to do. So by saying that the curbing has to stay there, I disagree with that. The curbing does not have to stay there. We can review it in a different light so we can take that into

consideration. Matter of fact, maybe Ron or somebody else or, Mr. Van Leeuwen, had wanted maybe some of the curbing not to be there in the first place.

MS. RICHICHI: Mr. Van Leeuwen and Mr. Schiefer.

MR. PETRO: They were objecting to the curbing so we can review that again and in light of building staying there before it was going to be all wide open, there was going to be other room to displace for other parking. So we can look at it. It's not cast in stone that it has to stay there.

MS. RICHICHI: They explained to me the Department of Transportation had closed the entrance from 32 and moved it over to their property. Department of Transportation decides where entrances are going to be on their highways, of course.

MR. PETRO: That is completely closed on the plan.

MR. BABCOCK: Now, you have to understand first item is what's existing right there now there is a, what she's talking about and what they proposed when Cavallo's was being torn down, you have a Phase 1 and Phase 2. Entrance did move down to where Cavallo's was and it was his entrance onto his property. And it was, Cavallo's was now a parking lot.

MR. PETRO: Entrance that is existing now empties on to both properties.

MR. BABCOCK: It's a split entrance. I'm not sure how much.

MR. PETRO: Obviously for them to remain to have the building remain, they are going to have to go back to DOT and have that entrance remain the way it is.

MR. BABCOCK: Well, there's a very good possibility Jim, since they are not changing it, it can stay.

MR. PETRO: That is the point I'm making, being that it is staying, they certainly can't curb it because the property line would be in the middle of curb cut.

MR. BABCOCK: Another item, it's not cut and dry that it is even staying. They have to make their proposal to this board and based on what they are going to show this board on parking and so on and so forth. Now, what I had suggested that she go talk to the people and see what they had to say about it.

MS. RICHICHI: I did. They didn't shed any light. They basically said well, at that time, I guess Mike Cavallo's had contacted them and it was all new that they were going to change the plans. So they really didn't know what they were going to change them to but--

MR. LANDER: You're right, unless they come back to us, they really can't change anything.

MR. BABCOCK: That is what he is saying. Now he's saying right now the plans are, the curbs are on the plan the way they are and if everything goes along where Cavallo's gets torn down, those plans have got to be what they are now. Everything is changing. If he comes back with a proposal, of course the curbs can't stay where they are because the restaurant's in the way.

MS. RICHICHI: There's also curbs off 300, as well as 32 there's curbing.

MR. PETRO: How are they are going to be accesses to her place? I remember we discussed this in the plans, how did we finish?

MR. BABCOCK: Basically, it came off of where Waldbaums used to be and she has that access as it is now. There was, I mean you can probably squeeze a car between the curb and her building in off of 32.

MS. RICHICHI: There's 9 feet at its smallest point.

MR. PETRO: I think the best case scenario actually for her and for the pizza place to remain as it is, is what you're shooting for.

MS. RICHICHI: To remain as is and organize some kind of traffic pattern and without any curbing there, I mean to remain we were using the property both for many years, the other owner, Mr. Korngold, he came to me, I remember and he said that he would not be able to get permits to his stores if we would not be able to use the property together. He would park in our property and use or proper as entranceway then we'd use his property to park along his building and that was a conversation.

MR. PETRO: See what's happening there as Mike explained once the building is gone, they no longer need to crowd up on that corner. They have all the land on 32.

MS. RICHICHI: Exactly, but for many years, you know, my dad's property was used.

MR. PETRO: They are coming in with a new plan so I would not panic or be worried at this time. I think let's review the new plan and see what they want to do and I think you certainly made us aware.

MR. LANDER: If I remember correctly, think it was something to do, we even, I think maybe it was even Henry that had asked whether or not they can use that parking lot for the pizzeria, the new one.

MR. PETRO: They said no.

MR. LANDER: They said no because of the liability, somebody goes to your pizzeria, slips and falls on their parking lot, they get sued and so that is why.

MS. RICHICHI: In the minutes, it does say I'm sorry.

MR. BABCOCK: I think their opinion was is that they won't go on record saying yes but I mean they are not going to sit out there and police the parking lot that was the key because that was the time that we talked about having an entrance between the two.

MS. RICHICHI: Egress and ingress.

MR. BABCOCK: Right.

MS. RICHICHI: Between their property and our property if we would agree to that and I went to Mr. Shaw the engineer and I spoke with him about the egress and the ingress and I said well, if it happens that they do put the curbing in, we do increase an egress, can we do it simultaneously cause in the minutes, it says that after they put the curbing in, if that is decided then we would do it, why not just do it from the very beginning. That I was just confused on.

MR. BABCOCK: Well, because they were here in front of us to get an approval and you're not here and we can't bring you in to ask you to agree to something that they want so what we said to them was is that if you are contacted or they contact you either way and you two can agree on something the planning board has no problem, no objection of you putting a connecting line in between the parking lot, we can't make them put a connecting line on your property, you're not here.

MR. PETRO: You have to realize that the applicant before the board is creating and doing on his property whatever is being done is happening on his piece of property. So in reality, he doesn't need permission to do anything on his property, so by creating a curb there or blocking it off, he's not, he may not be doing it because he wants to hurt you but it's his property and he's doing it for his site plan.

MR. BABCOCK: What we told him was is that the planning board said they have no problem with a cross connect if he can come to an agreement with that property owner that is exactly how it was.

MR. PETRO: I think he didn't want to give up some parking spaces.

MR. BABCOCK: It was going to lose parking spaces.

MR. PETRO: Naturally, if you have a road going through, you can't put parking spaces there but I think that the--

MR. BABCOCK: The plan is going to tell the picture because he is going to lose parking spaces now because of the restaurant so he is either going to lose square footage on the third building or something's got to give so depending on--

MR. PETRO: They are also buying another lot in the rear which is going to create more parking which would benefit everybody, there's a lot next to Wendy's over there somewhere he's buying that and he is going to create more parking that is what we have heard.

MR. BABCOCK: The bank's lot, it's where the bank cars are all parked where his lot goes out towards Old Temple Hill Road, there's a little lot there, belongs to the bank.

MR. LANDER: He does that or he knows he has to shrink down the square footage of the building because he will lose parking spaces.

MR. PETRO: I you'll be happier with the new plan. You can notify Myra that you'd like to be notified.

MS. RICHICHI: Yes, I would like to be notified.

MR. PETRO: It might be helpful if you are here.

MS. RICHICHI: I'll be here.

MR. BABCOCK: I suggested she goes and talks to the applicant, tries to work this out before they come in. This way when they come in with a plan everybody can be happy.

MS. RICHICHI: I did try to get in touch with Jim Miller but things were too much up in the air.

MR. PETRO: I don't think they are a hundred percent sure yet either. I don't think they really knew exactly what they were going to do, just whether or not the board was willing to let it stay.

MR. BABCOCK: I think they are going to give the plan to, I don't know who did that, Greg Shaw, and say make

July 26, 1995

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it work and come back and show us and that is the way it's going to work.

MR. PETRO: I think you'll be happy with it, I really do, you'll be better off, that is for sure.

MS. RICHICHI: Thank you.

DISCUSSION:

M.C. & B. PARTNERSHIP SITE PLAN - ROUTE 300

Mr. Jim Miller, John Connell and Jim Bannan appeared before the board for this discussion.

MR. VAN LEEUWEN: Recently Dr. Korngold's.

MR. MILLER: Right and since we have gotten started, initially originally we had proposed on removing Cavallo's Restaurant at the end of his lease that comes up at the end of October, I believe it is or November, I forget.

MR. VAN LEEUWEN: First of November.

MR. MILLER: As we got going along, we got a relationship with Mike and--

MR. VAN LEEUWEN: He changed his mind, you mean?

MR. MILLER: And he's asked us if there was any way that maybe we could work something out and we were in the midst of getting these things started getting the buildings knocked down and trying to get something going so that we had really something to show you people that we were for real and that we wanted to do a job and I thought that we would wait until we got to a point where it looked like we have something to show you that we have hopped through the hoops and done the things that we said that we would do and then we could come to you and ask so I think we're at that point and I think that Mike kind oversees that you know he kind over has a relationship there with a lot of people and → he said gee, you know, I'd fix the inside up if you guys would fix the outside up and we said that we thought we could do that. But the other side is we have agreed to take this place down and so I said before we go through anything else, the first thing we have to do is come back to the planning board and ask them so--

MR. PETRO: Have you done any configuration of parking and you're going to displace parking with the building

now.

MR. MILLER: Well, we have tentatively enough parking, we have additional, I think there's 14,000 square feet of future retail space that is allowable there. Now makes space.

MR. BABCOCK: There was a Phase 1 and Phase 2 of that project.

MR. MILLER: So, I think that we could take his space and subtract it off this future space.

MR. VAN LEEUWEN: What would you do with the parking though, would you still, cause you haven't done anything to the parking lot up there, have you?

MR. EDSALL: Can I just ask a question? It's really you're talking about keeping that building until you start Phase 2 or just keeping it forever.

MR. MILLER: Keeping it, you know, well I'm sure not forever but--

MR. EDSALL: You're planning on maybe--

MR. MILLER: Talking to him about a lease and fixing up the outside of the building and making it certainly more presentable.

MR. DUBALDI: You're talking about leaving it up after October 1, 1995?

MR. EDSALL: The reason I'm asking is the area that the building is in is not part of the construction for Phase 1, so then it would become an issue of just not complying with the October 1st. If it is going to be there when you begin construction of Phase 2, well then you have got a conflict and we'd have to work out the plan to make it work. That is why I was asking.

MR. BABCOCK: The request is Cavallo's building can stay or not. If the building is thought that it could stay, they are going to have to make the plan work for parking. If they can't make it work for parking, it

can't stay for anything.

MR. VAN LEEUWEN: I have got a suggestion. Why don't you go to the workshop, sit down with Mark and see if you can or can't or go to your engineer first and see what he can come up with.

MR. MILLER: We thought before we went to an engineer, we should come to you people.

MR. PETRO: I think what the board is saying if you can make it work and you're going to definitely dress up the building, that is another issue. I don't know, speaking for myself first, I don't think the board has a problem with it.

MR. LANDER: No, I don't have a problem.

MR. DUBALDI: No.

MR. STENT: No, I have no problem. Do a nice job.

MR. VAN LEEUWEN: If it's a nice job, we want to see some sketches, what the building is going to look like.

MR. CONNELL: We're not going to kill ourselves there with an ugly looking building.

MR. VAN LEEUWEN: I don't want to see it hurt you either.

MR. CONNELL: We don't either.

MR. VAN LEEUWEN: You invested a lot of money there.

MR. MILLER: We don't want that to happen either.

MR. PETRO: I think you have a direction.

MR. BABCOCK: Get us some plans.

MR. EDSALL: We'll work with you guys and Greg Shaw and see, we'll come up with a layout. Hire anybody you want but he's got your plans.

July 12, 1995

69

MR. MILLER: We honestly haven't talked to Greg about this because we felt the first thing we should do is come to you guys.

MR. EDSALL: We're available when you need it.

MR. PETRO: The board is agreeable if it can legally be made to work.

MR. VAN LEEUWEN: Make it fit into the project.

P.B. # 95-27 Application Fee 7893


561-3695
SHAW ENGINEERING
744 BROADWAY, P.O. BOX 2569
NEWBURGH, NY 12550

29-1/213

Sept 22 19 95

PAY TO THE ORDER OF Town Of New Windsor \$ 100.00

One Hundred 00/100 DOLLARS


Fleet Bank
North Plank Road 27515
Newburgh, NY 12550

FOR

007893 021300019 51510 00390

P.B. # 95-27 Escrow 7888


561-3695
SHAW ENGINEERING
744 BROADWAY, P.O. BOX 2569
NEWBURGH, NY 12550

29-1/213

Sept 22 19 95

PAY TO THE ORDER OF Town Of New Windsor \$ 750.00

Seven Hundred Fifty 00/100 DOLLARS


Fleet Bank
North Plank Road 27515
Newburgh, NY 12550

FOR Extra Fee: MCTB

007888 021300019 51510 00390

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 28 September 1995
SUBJECT: M.C. & B. Partnership

Planning Board Reference Number: PB-95-27
Dated: 25 September 1995
Fire Prevention Reference Number: FPS-95-047

A review of the above referenced subject site plan was conducted on 26 September 1995.

This site plan is acceptable.

Plans Dated: 21 September 1995


Robert F. Rodgers, C.C.A.

RFR/mvz



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95- 27

DATE PLAN RECEIVED: RECEIVED SEP 25 1995

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

M. C. + B Partnership has been

reviewed by me and is approved ☒

disapproved ☐

~~If disapproved, please list reason~~

There is an existing service for this
property -

HIGHWAY SUPERINTENDENT DATE

Steve D. Doss - CAMU - 9-26-95
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



TOWN OF NEW WINDSOR

95 - 28

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

"XX"

APPLICATION TO:
TOWN OF NEW WINDSOR PLANNING BOARD

176 TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Chg. _____ Site Plan _____ Spec. Permit _____

1. Name of Project Shopping Plaza for M.C. & B. Partnership
2. Name of Applicant M.C. & B. Partnership Phone (717) 343-3225
Address 208 Meadow Avenue, Scranton, PA 18505
(Street No. & Name) (Post Office) (State) (zip)
3. Owner of Record Same as Applicant Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (zip)
4. Person Preparing Plan Gregory J. Shaw, P.E.
Address 744 Broadway, Newburgh, NY 12550
(Street No. & Name) (Post Office) (State) (zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (zip)
6. Person to be notified to represent applicant at Planning Board Meeting Gregory J. Shaw, P.E. Phone 561-3695
(Name)
7. Project Location: On the east side of NYS Route 300
(street)
300 feet North of Routes 32 and 94
(direction) (street)
8. Project Data: Acreage of Parcel 3.05 Zone C,
School Dist. Newburgh Consolidated
9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Y _____ N X

If you answer "yes" to question 9, please complete the attached Agricultural Data Statement.

10. Tax Map Designation: Section 69 Block 2 Lot 1,2, & 12

11. General Description of Project: An Amended Site Plan to allow the substitution of 1800 s.f. of restaurant for 1800 s.f. of retail space. This substitution would allow the existing structure known as Cavallo's Restaurant to remain without demolition.

12. Has the Zoning Board of Appeals granted any variances for this property? X yes no.

13. Has a Special Permit previously been granted for this property? X yes no. Special Permit Granted September 28, 1994

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

25th day of September 1995.


Applicant's Signature


Notary Public

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997

TOWN USE ONLY:

RECEIVED SEP 25 1995

95 - 27

Date Application Received

Application Number

"XX"

APPLICANT'S PROXY STATEMENT
(for professional representation)

for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

John Connell, deposes and says that he conducts
(Applicant)

business
resides at 104 Temple Hill Road, Vails Gate, NY
(Applicant's Address)

in the County of Orange

and State of New York

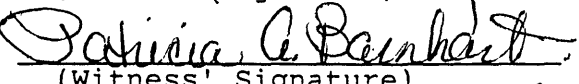
and that he is the applicant for the Amended Site Plan shopping
plaza for M.C. S B. Partnership
(Project Name and Description)

which is the premises described in the foregoing application and
that he has authorized Gregory J. Shaw, P.E.
(Professional Representative)

to make the foregoing application as described therein.

Date: _____


(Owner's Signature)


(Witness' Signature)

Notary Public - Orange County

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

If applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|--|---|
| 1. <u>X</u> Site Plan Title | 29. <u>X</u> Curbing Locations |
| 2. <u>X</u> Applicant's Name(s) | 30. <u>*</u> Curbing Through Section |
| 3. <u>X</u> Applicant's Address(es) | 31. <u>X</u> Catch Basin Locations |
| 4. <u>X</u> Site Plan Preparer's Name | 32. <u>*</u> Catch Basin Through Section |
| 5. <u>X</u> Site Plan Preparer's Address | 33. <u>*</u> Storm Drainage |
| 6. <u>X</u> Drawing Date | 34. <u>X</u> Refuse Storage |
| 7. <u>X</u> Revision Dates | 35. <u>*</u> Other Outdoor Storage |
| 8. <u>X</u> Area Map Inset | 36. <u>*</u> Water Supply |
| 9. <u>X</u> Site Designation | 37. <u>*</u> Sanitary Disposal System |
| 10. <u>*</u> Properties Within 500' of Site | 38. <u>X</u> Fire Hydrants |
| 11. <u>*</u> Property Owners (Item #10) | 39. <u>X</u> Building Locations |
| 12. <u>X</u> Plot Plan | 40. <u>X</u> Building Setbacks |
| 13. <u>X</u> Scale (1" = 50' or lesser) | 41. <u>*</u> Front Building Elevations |
| 14. <u>X</u> Metes and Bounds | 42. <u>X</u> Divisions of Occupancy |
| 15. <u>X</u> Zoning Designation | 43. <u>*</u> Sign Details |
| 16. <u>X</u> North Arrow | 44. <u>X</u> Bulk Table Inset |
| 17. <u>X</u> Abutting Property Owners | 45. <u>X</u> Property Area (Nearest
100 sq. ft.) |
| 18. <u>X</u> Existing Building Locations | 46. <u>X</u> Building Coverage (sq. ft.) |
| 19. <u>X</u> Existing Paved Areas | 47. <u>X</u> Building Coverage (% of
Total Area) |
| 20. <u>X</u> Existing Vegetation | 48. <u>X</u> Pavement Coverage (sq. ft.) |
| 21. <u>X</u> Existing Access & Egress | 49. <u>X</u> Pavement Coverage (% of
Total Area) |
| <u>PROPOSED IMPROVEMENTS</u> | |
| 22. <u>*</u> Landscaping | 50. <u>X</u> Open Space (sq. ft.) |
| 23. <u>*</u> Exterior Lighting | 51. <u>X</u> Open Space (% of Total Area) |
| 24. <u>*</u> Screening | 52. <u>X</u> No. of Parking Spaces Prop. |
| 25. <u>X</u> Access & Egress | 53. <u>X</u> No. of Parking Spaces Req. |
| 26. <u>X</u> Parking Areas | |
| 27. <u>X</u> Loading Areas | |
| 28. <u>*</u> Paving Details
(Items 25-27) | |

* To Be Provided At A Later Date

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. _____ Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
55. _____ A Disclosure Statement, in the form set below must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the applicant. the Town of Ne Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with the checklist and the Town of New Windsor Ordinances, to the best of my knowledge

By:  _____
Licensed Professional

Date: Sept. 22, 1995

95-27

SEQR

14-16-4 (2/87)—Text 12

PROJECT I.D. NUMBER

617.21

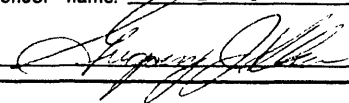
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR M.C. & B. Partnership	2. PROJECT NAME Shopping Plaza for M.C.&B. Partnership
3. PROJECT LOCATION: Municipality Town of New Windsor County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) East side of NYS Route 300, 300 feet north of Route 32 and 94.	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Amending a site plan approval to allow the substitution of 1,800 s.f. of restaurant for 1,800 s.f. of retail space.	
7. AMOUNT OF LAND AFFECTED: Initially 3.05 acres Ultimately 3.05 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval Town of New Windsor Planning Board - Site Plan Approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Gregory J. Shaw, P.E. Date: Sept. 22, 1995	
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

No

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☒ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Town of New Windsor Planning Board

Name of Lead Agency

James Petro

Print or Type Name of Responsible Officer in Lead Agency

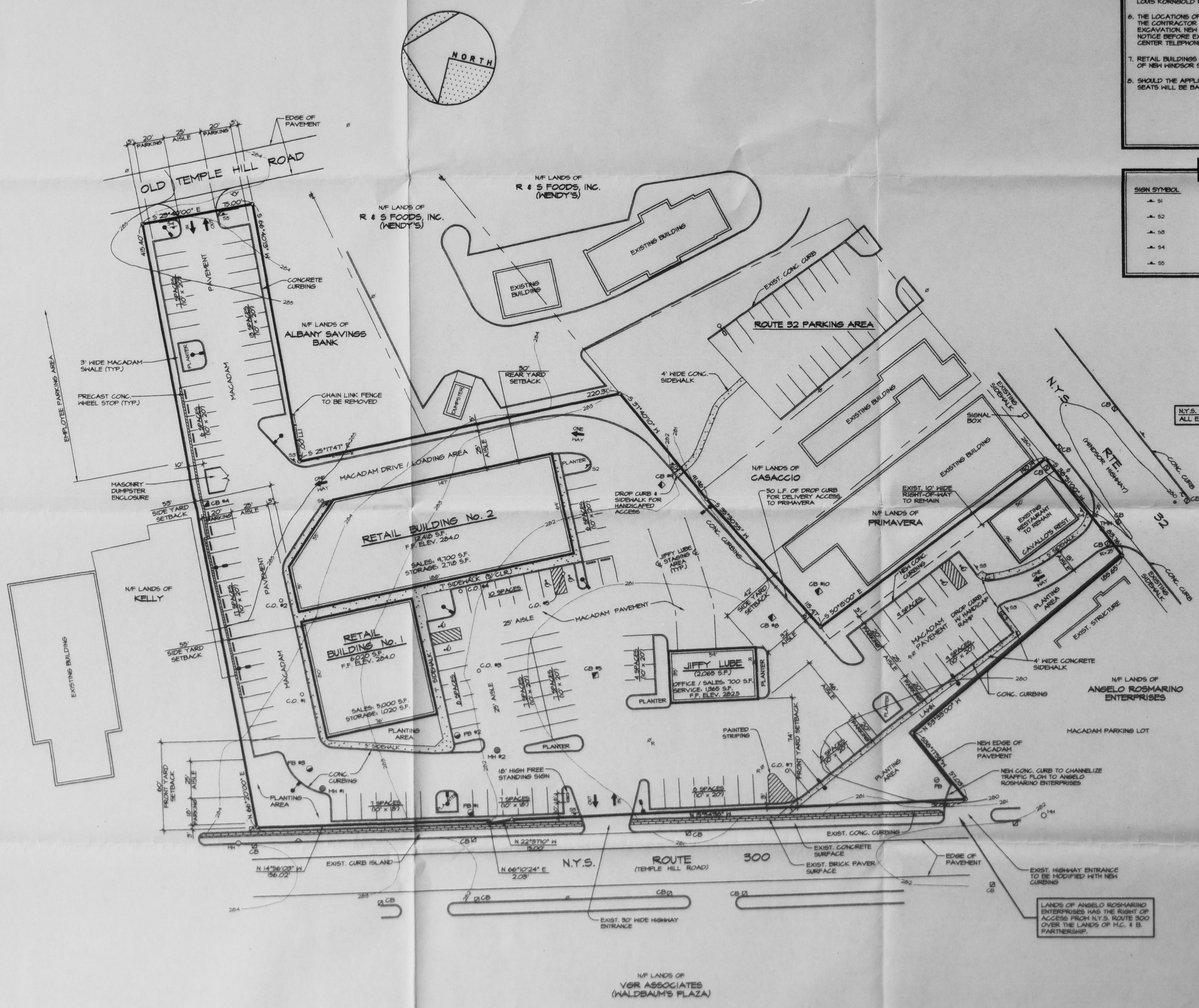
Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

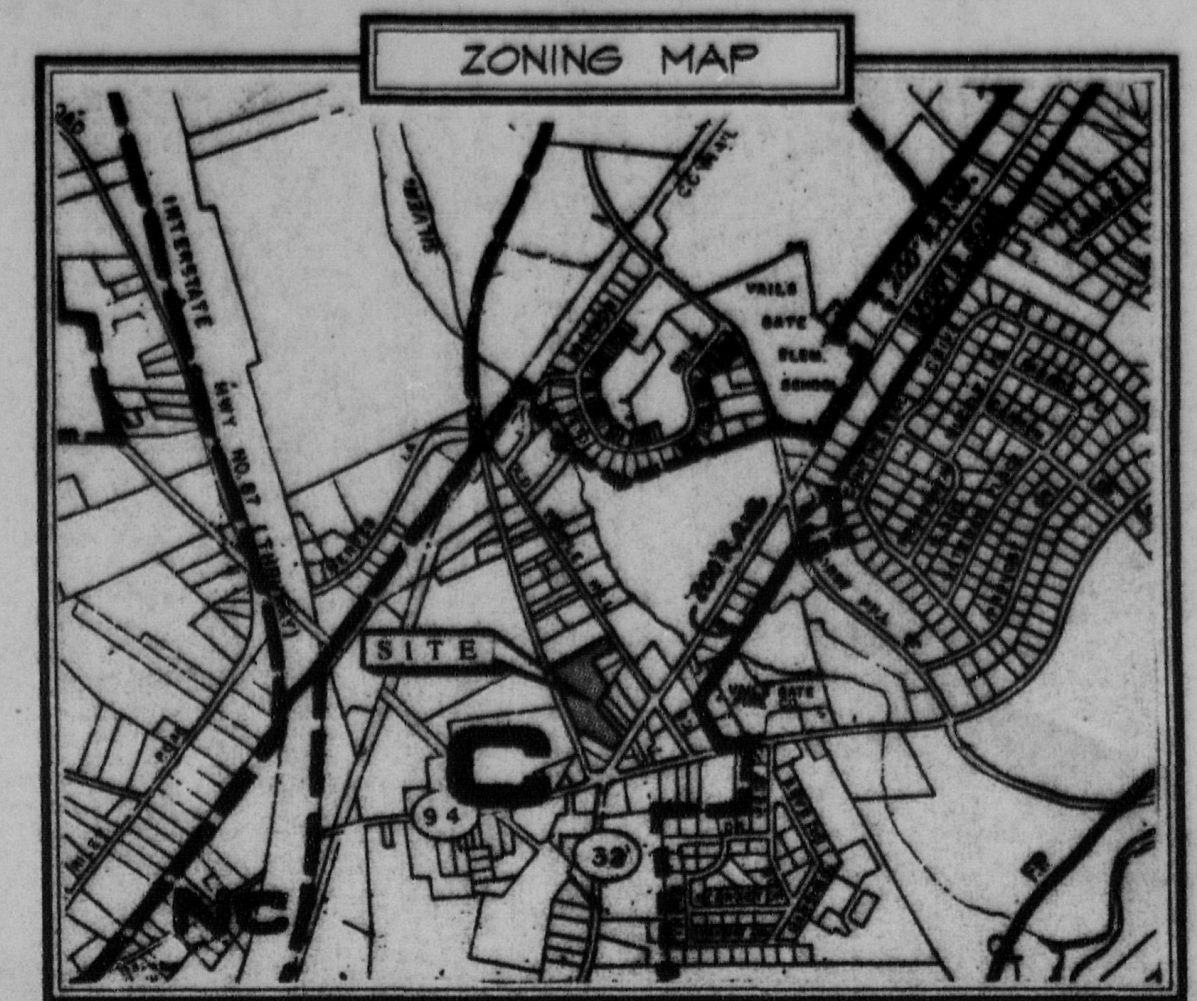


NOTES

1. ZONE: C ZONE - DESIGN SHOPPING
2. TOTAL PARCEL AREA: 3.05± ACRES
3. TAX MAP DESIGNATION: SECTION 64, BLOCK 2, LOTS 1, 2 & 12
4. RECORD OWNER & APPLICANT: M.C. & B. PARTNERSHIP
C/O JIFFY LUBE
208 MEADOW AVENUE
SCRANTON, PA 18505
5. BOUNDARY, TOPOGRAPHIC AND UTILITY INFORMATION OBTAINED FROM DRAWINGS ENTITLED "SITE PLAN" AND "SITE GRADING, LIGHTING AND DRAINAGE PLAN" FOR LOUIS KORNHOLD PREPARED BY GREVAS & HILDRETH, P.C.
6. THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED APPROXIMATE, AND THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS AND ELEVATIONS PRIOR TO EXCAVATION. NEW YORK STATE INDUSTRIAL CODE REQUIRES TWO (2) WORKING DAYS NOTICE BEFORE EXCAVATION, DRILLING, OR BLASTING. UNDERGROUND UTILITIES CENTER TELEPHONE NO. IS 1-800-245-2828.
7. RETAIL BUILDINGS No. 1 & 2 SHALL BE SPRINKLERED IN ACCORDANCE WITH THE TOWN OF NEW WINDSOR SPRINKLER ORDINANCE.
8. SHOULD THE APPLICANT PROPOSE A FOOD SERVICE ESTABLISHMENT, ITS NUMBER OF SEATS WILL BE BASED UPON THE NUMBER OF AVAILABLE PARKING SPACES.

SIGNAGE SCHEDULE

SIGN SYMBOL	SIGNAGE DESCRIPTION
▲ S1	"RIGHT HAND TURN ONLY" AND "STOP"
▲ S2	"LOADING AREA - DELIVERIES ONLY"
▲ S3	"ONE WAY - DO NOT ENTER"
▲ S4	"USE ROUTE 300 ENTRANCE FOR TRUCK DELIVERIES"
▲ S5	"STOP"



ZONING SCHEDULE

ZONES: C - DESIGN SHOPPING
USE: A-1 - RETAIL STORES
USE: B-2 - SERVICE REPAIR GARAGE *

	REQUIRED	PROVIDED
LOT AREA	40,000 S.F.	132,856 S.F.
LOT WIDTH	200 FT.	355 FT.
FRONT YARD DEPTH	60 FT.	60 FT. (RETAIL BLDG. No. 1)
SIDE YARD	30 FT.	42 FT. (JIFFY LUBE)
TOTAL BOTH SIDE YARDS	70 FT.	44 FT.
REAR YARD DEPTH	30 FT.	30 FT. (RETAIL BLDG. No. 2)
STREET FRONTAGE	N/A	N/A
BUILDING HEIGHT (4 FT. OF MIN. DIST. TO NEAREST LOT LINE)	JIFFY LUBE - (42 FT.) RETAIL BLDG. No. 1 - (35 FT.) RETAIL BLDG. No. 2 - (30 FT.)	15 FT. ** 18 FT. ** 15 FT. **
FLOOR AREA RATIO	0.50	17.3 %

* DENOTES SPECIAL PERMIT OBTAINED FROM PLANNING BOARD
** DENOTES VARIANCES OBTAINED FROM THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS ON MAY 23, 1994.

COVERAGES:	
BUILDING COVERAGE % OF TOTAL AREA	22.965 S.F.
PAVEMENT COVERAGE % OF TOTAL AREA	85.468 S.F.
OPEN SPACE COVERAGE % OF TOTAL AREA	24.421 S.F.

OFFSTREET PARKING:

	REQUIRED	PROVIDED
RETAIL BUILDING No. 1 1 SPACE PER 150 S.F. OF FLOOR AREA IN SALES USE - (9,000 S.F. / 150 S.F. PER SPACE)	34 SPACES	34 SPACES
RETAIL BUILDING No. 2 1 SPACE PER 150 S.F. OF FLOOR AREA IN SALES USE - (9,100 S.F. / 150 S.F. PER SPACE)	65 SPACES	65 SPACES
RESTAURANT 40 SEATS / 3 SEATS PER SPACE	16 SPACES	16 SPACES
SERVICE REPAIR GARAGE 4 SPACES PER SERVICE BAY, PLUS 1 PER 300 S.F. OF FLOOR AREA OUTSIDE OF SERVICE AREAS - 3 SERVICE BAYS - OUTSIDE OF SERVICE AREAS (100 S.F. / 300 S.F. PER SPACE)	12 SPACES 3 SPACES 150 SPACES	12 SPACES 3 SPACES 150 SPACES

SIGNAGE:
SIGNAGE VARIANCES WERE OBTAINED FROM THE TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS TO ALLOW:

	SIGNAGE TOTAL	SIGNAGE ALLOWED	NUMBER OF SIGNS	SIGNS ALLOWED
1. WALL SIGNS:	105.75 S.F.	20 S.F.	3 SIGNS	3 SIGNS
2. FREE STANDING SIGNS:	128.12 S.F.	40 S.F.	1 SIGN	1 SIGN

SIGN HEIGHT: 15 FT. SIGN SETBACK REQ'D 15 FT. ACTUAL SETBACK 10 FT. VARIANCE OBTAINED 5 FT. **

* DENOTES VARIANCE OBTAINED ON MAY 23, 1994.
** DENOTES VARIANCES OBTAINED ON JUNE 21, 1994.

LEGEND

EXISTING	NEW
28- 1' CONTOUR	CB CATCH BASIN
28- 5' CONTOUR	FB FLOWING BASIN
BOUNDARY	HM SANITARY MANHOLE
ADJ. PROPERTY LINE	HYDRANT
CATCH BASIN	WATER VALVE
FLUSHING BASIN	HANDICAPPED PARKING SPACE
UTILITY POLE	UTILITY POLE TO BE REMOVED
SANITARY MANHOLE	RETAINING WALL
HYDRANT	CLEAN OUT #4
VALVE	TRAFFIC / DIRECTIONAL SIGN
TELEPHONE MANHOLE	LIGHT POLE
CHAIN LINK FENCE	
LIGHT POLE	

TOWN OF NEW WINDSOR PLANNING BOARD
STAMP OF APPROVAL